

# **Draft Zoning Ordinance**

**Of the City of Rockville, MD**

Zoning Text Amendment Application – November 21, 2025

# Article 1. General Provisions

## Division 1.1. General Information

### Sec. 25.1.1.1. Title and effective date.

- (a) *Title*. This chapter is known as the “Zoning Ordinance” of the Rockville City Code. Within this Chapter, the Zoning Ordinance may also be referred to as the “Chapter.”
- (b) *Effective date*. The effective date of this Chapter is [effective date of this Chapter].

### Sec. 25.1.1.2. Purpose.

- (a) This Chapter implements the objectives of the Comprehensive Plan and:
  - (1) Provides for appropriately scaled, designed, and sited buildings and other structures that are compatible with the natural and built environment;
  - (2) Promotes environmentally sustainable developments and otherwise provides for the conservation of natural resources and the environment;
  - (3) Promotes the City as an inclusive community by facilitating diversity in housing, building design, and land use;
  - (4) Promotes alternative modes of transportation by providing convenient, safe, and connected accessibility to public transportation, pedestrian and bicycle facilities, inviting streetscapes, and a mixture of uses;
  - (5) Promotes development that is consistent with the vision of the City as identified in the Comprehensive Plan;
  - (6) Ensures the availability of adequate infrastructure capacity and other public facilities;
  - (7) Ensures the appropriate use of land throughout the City;
  - (8) Protects and enhances the aesthetic and visual character of the City and its residential neighborhoods;
  - (9) Preserves sites, structures, and districts of historical or architectural significance, and their appurtenances and environmental settings;
  - (10) Secures the public safety;
  - (11) Provides adequate light and air;
  - (12) Fosters innovative, creative, sustainable, and flexible building and site design;
  - (13) Provides attractive, high quality development and design that enhances the community's quality of life; and
  - (14) Protects and promotes the health, safety, comfort, convenience, welfare, and happiness of the Rockville community through the comprehensive regulation of the use and development of land and structures.

**Sec. 25.1.1.3. Authority.**

- (a) This Chapter is adopted in accordance with the City Charter and the Land Use Article of the Annotated Code of Maryland, as amended.

**Sec. 25.1.1.4. Applicability.**

- (a) This Chapter applies to all land, structures, and land uses within the corporate boundaries of the City, except as otherwise provided by this Chapter or other applicable law.

**Sec. 25.1.1.5. Compliance.**

- (a) A person cannot use, develop, or alter any land or structure within the City without complying with the applicable provisions of this Chapter.

**Sec. 25.1.1.6. Interpretation.**

- (a) *Minimum requirements.* In interpreting and applying this Chapter, the requirements contained within are declared to be the minimum requirements for the protection of the public health, safety, or welfare.
- (b) *Conflict of provisions.*
  - (1) This Chapter shall not be deemed to interfere with, abrogate or annul, or otherwise affect in any manner whatsoever any ordinance, rule, regulation or permit, or any easement, covenant, or other agreement between parties.
  - (2) Notwithstanding the above, where this Chapter imposes a greater restriction upon the use or development of a building or a site than are imposed or required by other ordinances, rules, regulations, or permits or by easements, covenants, or agreement between parties, the provisions of this Chapter will prevail.

**Sec. 25.1.1.7. Severability.**

- (a) All provisions of this Chapter are severable.
- (b) All provisions of any ordinance enacted in the future that amend or add any provision to this Chapter are severable unless such ordinance specifically provides that its provisions are not severable.
- (c) The finding by a court that some provision of this Chapter or any subsequent amendment is unconstitutional and void does not affect the validity of the remaining portions of this Chapter unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent of the City.

## **Division 1.2. Transitional Provisions**

### **Sec. 25.1.2.1. Transitional provision; application in progress on [effective date of this Chapter].**

- (a) *Site plan review under previous Zoning Ordinance.* At the option of the applicant, an application for a site plan may be reviewed under the Zoning Ordinance in effect on [effective date of this Chapter] if the application:
- (1) Was submitted and determined by the Chief of Zoning to be complete between [date one year before effective date of this Chapter] and [date one day before effective date of this Chapter]; and
  - (2) The application has not been deemed withdrawn pursuant to Sec. 25.3.2.5.
- (b) *Submittal deadline.* To request review of an application under the Zoning Ordinance in effect on [date one day before effective date of this Chapter] pursuant to this Section, the applicant must submit a written request to the Chief of Zoning by [date two months after effective date of this Chapter].
- (c) *Review and final decision.* An application reviewed under the Zoning Ordinance in effect on [date one day before effective date of this Chapter] pursuant to this Section:
- (1) Must be reviewed solely under the provisions of the Zoning Ordinance in effect on [date one day before effective date of this Chapter]; and
  - (2) Must be approved or denied by the applicable Approving Authority by [date one year after effective date of this Chapter]. If final action on the application is not taken by that date, the application shall be deemed withdrawn.

### **Sec. 25.1.2.2. Transitional provision; commencement of construction.**

- (a) *Commencement of construction.* A person with a valid site plan approved before [effective date of this Chapter] or pursuant to Sec. 25.1.2.1 may secure all necessary permits and commence construction of the development subject to the site plan under the Zoning Ordinance in effect on [date one day before effective date of this Chapter] until [date one year after effective date of this Chapter] or the expiration of the validity period of the site plan, whichever is later. If construction has not commenced by this date, the applicant must bring the site plan and all associated permits into compliance with the current provisions of this Chapter.

## **Division 1.3. Annexation Process**

### **Sec. 25.1.3.1. Annexation process.**

- (a) *Initiation.* When an annexation has been initiated in accordance with State law, either by petition or by the Mayor and Council, the Mayor and Council must introduce an annexation resolution pursuant to Sec. 4-405 of the Land Use Article of the Maryland Annotated Code, as may be amended. Following its introduction, the City Clerk must transmit a copy of the resolution to the Chief of Zoning.

- (b) *Chief of Zoning Review.* The Chief of Zoning will review the proposed annexation for conformance with the municipal growth element and land use policies of the Plan. The Chief of Zoning will then transmit a recommendation to the Planning Commission.
- (c) *Preliminary annexation plan.*
  - (1) The Planning Commission will study the area proposed to be annexed and prepare a preliminary annexation plan, consistent with the Plan, recommending the zoning classification or classifications of such property that would be appropriate if it were to be annexed.
  - (2) The Planning Commission must transmit a copy of the preliminary annexation plan to the Mayor and Council.
- (d) *Final annexation plan.* After reviewing the preliminary annexation plan recommended by the Planning Commission, the Mayor and Council must adopt a final annexation plan.
- (e) *Mayor and Council public hearing and notice.*
  - (1) After adoption of the annexation plan, the Mayor and Council must hold a public hearing on the annexation plan simultaneously with its hearing on the proposed annexation resolution, in accordance with State law.
  - (2) At least 30 days before the public hearing, the City Clerk must provide a copy of the adopted annexation plan to:
    - A. The Montgomery County Council;
    - B. The Montgomery County Executive;
    - C. The Montgomery County Planning Department; and
    - D. The Maryland Department of Planning.
  - (3) The City Clerk must provide notice of the proposed annexation and the public hearing in accordance with Sec. 4-406 of the Land Use Article of the Maryland Annotated Code, as may be amended.
- (f) *Adoption of resolution.* After the public hearing, the Mayor and Council may adopt the annexation resolution. If adopted, the annexation resolution may not take effect until at least 45 days after adoption. The City Clerk must transmit copies of the adopted annexation resolution as required by Sec. 4-414 of the Land Use Article of the Maryland Annotated Code, as may be amended.
- (g) *Amendment of zoning map.* After adoption of an annexation resolution, the Mayor and Council must adopt an ordinance amending the zoning map to include the annexed property and the zoning classification or classifications thereof. Such ordinance is effective the same date the annexation becomes effective.

## **Division 1.4. Zoning Text Amendments**

### **Sec. 25.1.4.1. Scope.**

- (a) Except as otherwise provided, no provision of this Chapter which directly affects property can be amended except in compliance with the procedures set forth in this Division and any other applicable law.
- (b) The procedures set forth in this Division do not apply to amendments to the following provisions of this Chapter, which instead must be made by ordinance adopted in accordance with the procedures for amending other Chapters of City Code:
  - (1) Article 3, Division 3.1, pertaining to Approving Authorities;
  - (2) Sec. 25.1.4.2 and Sec. 25.5.3.1, pertaining to procedures for zoning text amendments and zoning map amendments;
  - (3) Article 13, pertaining to enforcement of this Chapter.

### **Sec. 25.1.4.2. Applications.**

- (a) *Authority to file.* An application for an amendment to the text of this Chapter may be made by the Mayor and Council.
- (b) *Submission.*
  - (1) An application for an amendment to the text of this Chapter must be submitted to the City Clerk.
  - (2) An application for a text amendment must be submitted on forms approved by the Chief of Zoning. All information specified on such forms must be supplied.
  - (3) The time limits specified in this Chapter will commence when all submission requirements are met as determined by the Chief of Zoning.
- (c) *Public notification of pending application.* Publication in a newspaper of general circulation is required before any hearing on a zoning text amendment application, in accordance with State law.
- (d) *Referring application to the Planning Commission.*
  - (1) *City Clerk responsibility.* Within five days of acceptance of any text amendment application, the Clerk must transmit a copy of the application to the Planning Commission. The Planning Commission may submit a written recommendation to the Mayor and Council, which will be placed in the application file by the City Clerk and become a part of the record on the application.
  - (2) *Hearing before Planning Commission required for Article 12 amendment.* Before submitting its recommendation of any proposed amendment to Article 12, the Planning Commission must hold a public hearing on the application in accordance with the requirements of State law relating to proposed subdivision regulations.

- (e) *Hearing on application.* No application made under this Section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.
- (f) *Action on application.*
- (1) A text amendment application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.
  - (2) A text amendment application may be dismissed if the Mayor and Council finds that it does not comply with the procedural requirements of this Chapter or other applicable law.
- (g) *Withdrawal of application.* An application for a text amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council.

## **Article 2. Definitions, Interpretations, and Measurements**

### **Division 2.1. Interpretation**

#### **Sec. 25.2.1.1. General rules of interpretation.**

- (a) The following rules of construction apply to the text of this Chapter:
- (1) The particular controls the general.
  - (2) In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration, summary table, or illustrative table, the text controls.
  - (3) The words "shall," "may not," "will," and "must" are always mandatory and not discretionary. The words "should" and "may" are permissive.
  - (4) Words used in the present tense also include the future.
  - (5) Words used in the singular number also include the plural; and plural the singular, unless the context clearly indicates the contrary.
  - (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
  - (7) Words or terms not otherwise included are defined by their common dictionary meaning.
  - (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and," "or," or "either...or," the conjunction will be interpreted as follows:
    - A. When used to connect a list of requirements or required conditions, "and" indicates that all the connected items apply.
    - B. When used to connect a list of permitted items or events, "and" indicates that the items or events are permitted singly or in any combination.
    - C. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    - D. "And...or" indicates that the connected items, conditions, provisions, or events will apply singly or in combination.
    - E. "Either...or" indicates that the connected items, conditions, provisions, or events will apply singly but not in combination.
    - F. The word "includes" does not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character and has the same meaning as "includes but is not limited to."
- (b) All the terms appearing in this Chapter that are defined under various sections of the City Building Code have the meanings specified in the Building Code except where specifically defined in this Chapter; however, in case of a conflict, the more restrictive meaning applies.

## **Division 2.2. Terms Defined**

### **Sec. 25.2.2.1. "A" terms.**

- (a) Abutting.
  - (1) Having a common point or border.
- (b) Accessory use.
  - (1) See "Use, Accessory."
- (c) Adjacent.
  - (1) Near or close to but not necessarily touching.
- (d) Adjoining.
  - (1) See "Abutting."
- (e) Administrative adjustment.
  - (1) A modification of certain regulations by the Chief of Zoning as set forth in Sec. 25.25.4.5.3.
- (f) Adult Day Care.
  - (1) See Sec. 25.6.5.1.
- (g) Adult-Oriented Establishment.
  - (1) See Sec. 25.6.4.1.
- (h) Alcoholic Beverage Production.
  - (1) See Sec. 25.6.6.1.
- (i) Alcoholic Beverage Production, Limited.
  - (1) See Sec. Sec. 25.6.4.2.
- (j) Alcoholic Beverage Retail Establishment.
  - (1) See Sec. 25.6.4.3.
- (k) Alley.
  - (1) A right-of-way that provides secondary access for vehicles to the side or rear of abutting properties.
- (l) Ambulance Service.
  - (1) See Sec. 25.6.4.4.
- (m) Animal Boarding Establishment.
  - (1) See Sec. 25.6.4.5.
- (n) Animal Grooming Establishment.

- (1) See Sec. 25.6.4.6.
- (o) Antenna.
  - (1) Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves, including both directional antennae (such as panels, microwave dishes, satellite earth station antennae over two meters in diameter) and omni-directional antennae (such as whips). Antenna does not include antennae two meters or less in diameter, and antennae regulated by 47 C.F.R. Section 1.4000, as amended.
- (p) Antenna support structure.
  - (1) A structure designed for the primary purpose of supporting one or more antennae (including telescoping mast, tower, monopole, tethered blimp, or other support structure). The term includes structures located on buildings or other structures, ground-mounted, or tethered.
- (q) Apartment.
  - (1) See Sec. 25.6.3.1.
- (r) Applicant.
  - (1) The person who is authorized by the owner to file an application for any type of development application regulated under this Chapter.
- (s) Approving Authority.
  - (1) The elected or appointed body or other City representative authorized by this chapter to render a final decision on specific application requests administered under this Chapter.
- (t) Article.
  - (1) An Article in Chapter 25 of the Code.
- (u) Artisanal Craft Production.
  - (1) See Sec. 25.6.6.2.
- (v) Auctioneer or Commercial Gallery.
  - (1) See Sec. 25.6.4.7.
- (w) Automobile and Recreational Vehicle Sales or Rental Establishment.
  - (1) See Sec. 25.6.7.1.
- (x) Automobile Repair Establishment.
  - (1) See Sec. 25.6.7.2.
- (y) Automobile Service Establishment.
  - (1) See Sec. 25.6.7.3.

(z) Automobile Towing Establishment.

(1) See Sec. 25.6.7.4.

**Sec. 25.2.2.2. "B" terms.**

(a) Backyard Chicken Coop.

(1) See Sec. 25.6.8.1.

(b) Bank or Financial Institution.

(1) See Sec. 25.6.4.8.

(c) Banner sign.

(1) See "Sign, banner."

(d) Basement.

(1) The portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent finished grade.

(e) Bed and Breakfast.

(1) See Sec. 25.6.4.9.

(f) Bicycle parking.

(1) A stationary rack, locker, or similar structure that support a bicycle in a stable position and to which the user can lock a bicycle with a cable or chain and lock.

(g) Blade sign.

(1) See "Sign, blade."

(h) Board, the.

(1) The Board of Appeals of the City, unless otherwise specified.

(i) Breezeway.

(1) An enclosed or unenclosed, covered passageway providing connection from the principal structure to an accessory building.

(j) Build-to line.

(1) See Sec. 25.2.3.3(c).

(k) Buildable lot.

(1) See "Lot, buildable."

(l) Building.

(1) A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

- (m) Building footprint.
  - (1) See "Footprint."
- (n) Building line.
  - (1) A line tracing the perimeter of the foundation wall or any enclosed porch, vestibule, or other enclosed portion of a building.
- (o) Building, main.
  - (1) A building in which the principal use of the lot on which it is situated is conducted. In residential zones, any dwelling except a detached accessory dwelling unit is also deemed to be a main building on the lot on which it is located.
- (p) Building or structure, accessory.
  - (1) A building or structure which is customarily associated with and clearly incidental and subordinate to a legally established principal structure that is located on the same lot, unless otherwise provided in this Chapter, and which is not attached by any part of a common wall or common roof to the principal structure.
- (q) Building permit.
  - (1) An official City document or certification authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, moving, or repair of a building or structure.
- (r) Building sign.
  - (1) See "Sign, building."
- (s) Building-mounted banner sign.
  - (1) See "Sign, building-mounted banner."

**Sec. 25.2.2.3. "C" terms.**

- (a) Capital Improvements Program (CIP).
  - (1) A schedule of future public improvements adopted annually by the Mayor and Council to provide a means of estimating construction schedules, costs, and means of financing projects such as roads, sewer and water systems, and parks, or improvements to the same.
- (b) Cannabis Dispensary.
  - (1) See Sec. 25.6.4.10.
- (c) Car Wash.
  - (1) See Sec. 25.6.7.5.
- (d) Centerline, street.

- (1) A line:
  - A. Established as a centerline of a street by any state, county, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map; or
  - B. If there be no official centerline of a street, the centerline shall be a line lying midway between the street or right-of-way lines thereof. When the street lines are indeterminate, and pavement or a well-defined traveled way exists, the centerline is assumed to be a line midway between the edges of such pavement or traveled way.
- (e) Certificate Of Approval.
  - (1) An official City document issued under the auspices of the Historic District Commission authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of the exterior of a building or structure or the alteration of the environmental setting of a site within the Historic District Overlay zone.
- (f) Champion Project.
  - (1) A development project that is located within the South Pike as described in the 2016 Rockville Pike Neighborhood Plan and meets the following standards:
    - A. Contains at least five acres of private property that is contiguous or separated only by a Business District Class I or Class II street; and
    - B. Significantly advances one or more of the following goals:
    - C. Increases multifamily housing that provides more than the minimum requirement of moderately priced dwelling units near the Twinbrook Metro Station; and/or
    - D. Provides more than the required amenity space; and/or
    - E. Provides more than the required vehicular, bicycle and/or pedestrian safety measures and/or provides pedestrian and bicycle access over or under the CSX/Metro tracks; and/or
    - F. Provides a significant increase in the amount of employment.
- (g) Chapter.
  - (1) A Chapter in the Code.
- (h) Charitable or Philanthropic Institution.
  - (1) See Sec. 25.6.5.2.
- (i) Chief Of Inspection Services.

- (1) The individual holding the position of Chief of Inspection Services within the City's Department of Community Planning and Development Services or such individual's designee.
- (j) Chief Of Zoning.
  - (1) The individual holding the position of Chief of Zoning within the City's Department of Community Planning and Development Services or such individual's designee.
- (k) Child Care Center.
  - (1) See Sec. 25.6.5.3.
- (l) Child Care Home.
  - (1) See Sec. 25.6.3.2.
- (m) City.
  - (1) The Mayor and Council of Rockville, a body politic and municipal corporation of the State of Maryland, also known as the City of Rockville, Maryland.
- (n) City manager.
  - (1) The individual appointed by the Mayor and Council of Rockville to serve as the City Manager pursuant to Article VI of the City Charter, or such individual's designee.
- (o) Code.
  - (1) The compilation of the laws of the City of Rockville, otherwise known as the Rockville City Code.
- (p) Collocation.
  - (1) In relation to a wireless telecommunications facility, the use of a wireless telecommunication facility by more than one wireless service provider.
- (q) Commission, the.
  - (1) The Planning Commission of the City, unless otherwise specified.
- (r) Comprehensive Map Amendment.
  - (1) A map amendment affecting the entire City. A comprehensive map amendment may rezone some or all areas of the City and reconfirm the zoning in other areas of the City.
- (s) Comprehensive Transportation Review (CTR).
  - (1) An analysis that addresses requirements for multimodal transportation facilities, automobile traffic standards, and site access and circulation for the purpose of assuring adequate transportation facilities to serve proposed development.
- (t) Conditional use.
  - (1) See "Use, Conditional."

- (u) Confronting.
  - (1) Properties directly opposite each other and separated only by public right-of-way other than MD-355 and I-270.
- (v) Contiguous.
  - (1) Sharing a common edge or boundary and not separated by other property or a public street or alley.
- (w) Copy.
  - (1) For purposes of signs, the content of a sign.
- (x) Corner lot.
  - (1) See "Lot, corner."
- (y) Cottage court.
  - (1) See Sec. 25.6.3.3.
- (z) County.
  - (1) Montgomery County, Maryland.
- (aa) Coverage, front yard.
  - (1) See Sec. 25.2.3.4(a)(1).
- (bb) Coverage, lot.
  - (1) See Sec. 25.2.3.4(b)(1).
- (cc) Crematorium.
  - (1) See Sec. 25.6.5.4.
- (dd) Crosswalk.
  - (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline.
  - (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by pavement marking lines on the surface, which might be supplemented by contrasting pavement texture, style, or color.
- (ee) Cul-de-sac.
  - (1) A secondary street with only one outlet and having an appropriate terminal for the convenient reversal of traffic movement.
- (ff) Cultural Institution.

- (1) See Sec. 25.6.5.5.

**Sec. 25.2.2.4. “D” terms.**

- (a) Data Center or Data/Crypto Currency Mining.

- (1) See Sec. 25.6.6.3.

- (b) Decision.

- (1) The final determination of an Approving Authority.

- (c) Deck.

- (1) An uncovered accessory structure attached to a dwelling and providing a level outdoor recreation space elevated at least six inches from the ground level.

- (d) Demolition.

- (1) The complete razing or removal of more than 50 percent of the floor area of a building or structure, or substantial reconstruction as defined in Chapter 5.

- (e) Demolition by neglect.

- (1) Failure to maintain property, or any component thereof, located within the Historic District Overlay zone so as to jeopardize the historic integrity of the property.

- (f) Development.

- (1) The subdivision of a property or any change to the existing condition or use of any land or structure that requires a permit or approval from any agency of the city, including the establishment of a use; the change of a use; the improvement of property through construction, alteration, or relocation of a structure; the provision of stormwater management or roads; grading; and clearing.

- (g) Development standards nonconformity.

- (1) A building, structure, or site improvement that was lawful when established but no longer conforms to development standards of the zone in which it is located, as set forth in this Chapter, because of the adoption or amendment of this Chapter or the zoning map.

- (h) Directional sign.

- (1) See “Sign, directional.”

- (i) Director.

- (1) The individual holding the position of Director within the City's Department of Community Planning and Development Services or such individual's designee.

- (j) Drive aisle.

- (1) A paved area in a parking facility that provides vehicular access to driveways and parking and loading spaces.

- (k) Drive-Through Window.
  - (1) See Sec. 25.6.7.6.
- (l) Driveway.
  - (1) A private paved area that provides direct vehicular access from a street to a property, building, or off-street parking facility.
- (m) Duplex.
  - (1) A two-unit multiplex.
- (n) Dwelling, Single-Unit Detached.
  - (1) See Sec. 25.6.3.4.
- (o) Dwelling unit.
  - (1) A building or portion thereof providing complete, independent living facilities for one or more persons, including facilities for cooking, sanitation, and sleeping.
- (p) Dwelling Unit, Accessory.
  - (1) See Sec. 25.6.3.5. Sec. 25.6.3.5 also includes attached Accessory Dwelling Unit and detached Accessory Dwelling Unit.
- (q) Dwelling unit, principal.
  - (1) The larger of the dwelling units on a lot that contains an Accessory Dwelling Unit.

**Sec. 25.2.2.5. “E” terms.**

- (a) Easement.
  - (1) A grant or reservation by the owner of land for the use of all or a portion of such property to the public or others, for a specific purpose.
- (b) Eating and Drinking Establishment.
  - (1) See Sec. 25.6.4.11.
- (c) Educational Institution, Private.
  - (1) See Sec. 25.6.5.6.
- (d) Effective date.
  - (1) The effective date of a decision or approval of an Approving Authority is the date set forth in the resolution, ordinance, or other written notice of the decision or approval.
- (e) Electric vehicle (EV).
  - (1) A vehicle that uses electricity for propulsion.
- (f) Electric Vehicle Charging.
  - (1) See Sec. 25.6.7.7.

- (g) Electric vehicle charging station.
  - (1) Any structure housing one or more electric vehicle ports which provide power to one or more electric vehicles.
- (h) Electric vehicle parking space.
  - (1) A parking space used, intended, or marked for the exclusive parking of electric vehicles and equipped with electric vehicle supply equipment or other infrastructure necessary to support electric vehicle charging.
- (i) Electric vehicle supply equipment (EVSE).
  - (1) The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.
- (j) Electronic message center.
  - (1) Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes
- (k) Environmental setting.
  - (1) The area associated with a site within the Historic District Overlay zone, including buildings and grounds.
- (l) Equipment enclosure.
  - (1) For purposes of a wireless communication facility, a freestanding or mounted structure, shelter, cabinet, or vault used to house and to protect the electronic equipment and associated equipment necessary for processing wireless communication signals. Associated equipment may include air conditioners, back-up power supplies, and emergency generators.
- (m) Established setback.
  - (1) See Sec. 25.2.3.3(b).
- (n) Event Space, Club, or Lodge.
  - (1) See Sec. 25.6.7.7.

**Sec. 25.2.2.6. "F" terms.**

- (a) Facade.
  - (1) The exterior walls of a building or structure exposed to public view or that wall viewed by a person not within the building.
- (b) Fence.

- (1) A vertical structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening. This term includes walls used for the purpose of a lot boundary demarcation.
- (c) Feather flag.
  - (1) A vertical sign resembling a bird's feather made of flexible materials attached or fastened on one side to a curved pole.
- (d) Firearm.
  - (1) A rifle, shotgun, revolver, pistol, air gun, air rifle, and any similar mechanism, by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring, or elastic and including any such mechanism that is loaded with blank or live cartridges or projectiles of any kind.
- (e) Floodplain.
  - (1) This term has the same meaning as in Rockville City Code Chapter 10.
- (f) Food Preparation Establishment.
  - (1) See Sec. 25.6.4.13.
- (g) Footprint.
  - (1) With regard to a building, the area encompassed by a building's outer wall at ground level.
- (h) Fourplex.
  - (1) A four-unit multiplex.
- (i) Freestanding banner sign.
  - (1) See "Sign, freestanding banner."
- (j) Freestanding sign.
  - (1) See "Sign, freestanding."
- (k) Front lot line.
  - (1) See "Lot line, front."
- (l) Front yard.
  - (1) See "Yard, front."
- (m) Front yard coverage.
  - (1) See "Coverage, front yard."
- (n) Frontage.
  - (1) The length of the front property line of the lot or parcel.

(o) Funeral Home.

(1) See Sec. 25.6.4.14.

**Sec. 25.2.2.7. “G” terms.**

(a) Gas Station.

(1) See Sec. 25.6.7.8.

(b) General Warehousing.

(1) See Sec. 25.6.6.4.

(c) Glare.

(1) A harsh brilliance from a direct or reflected light source that causes the observer to squint, shield, or avert the eyes.

(d) Gross floor area (GFA).

(1) The total square footage of a building’s floor area as measured between the exterior faces of walls or the centerline of party walls or walls abutting a building, foundation, pier, or other means of support. Gross floor areas includes the area of basements and attics designed and available for tenant use or occupancy, but excludes uncovered steps, uncovered porches, atriums, rooftop mechanical equipment enclosures, and off-street parking.

(e) Group Home, Large.

(1) See Sec. 25.6.3.6.

(f) Group Home, Small.

(1) See Sec. 25.6.3.7.

**Sec. 25.2.2.8. “H” terms.**

(a) Hazardous material.

(1) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the home, workplace, or the environment.

(b) Health and Fitness Establishment.

(1) See Sec. 25.6.4.15.

(c) Health professional.

(1) A person licensed or certified by a board administered by the State Department of Health.

(d) Height.

(1) See Sec. 25.2.3.5(a).

- (e) Historic designation.
  - (1) The placement of a historic site or the site of a historic structure in the Historic District Overlay zone.
- (f) Home Maintenance Service.
  - (1) See Sec. 25.6.4.16.
- (g) Home-Based Business Enterprise.
  - (1) See Sec. Sec. 25.6.8.2.
- (h) Hospital.
  - (1) See Sec. 25.6.4.17.
- (i) Hotel.
  - (1) See Sec. 25.6.4.18.
- (j) Housing for Senior Adults and Persons with Disabilities.
  - (1) See Sec. 25.6.3.8.

**Sec. 25.2.2.9. "I" terms.**

- (a) Implementation period.
  - (1) The date by which activity pursuant to an approval must commence in order to avoid expiration of the approval.
- (b) Improvement.
  - (1) Any building, structure, road, parking facility, pedestrian or bicycle facility, landscaping or screening, fencing, recreational facility, or any other addition or alteration to a lot, parcel, or site.
- (c) Industrial activity.
  - (1) Activity which involves any of the following: production, manufacturing, distilling, and/or synthesis of raw materials or chemicals; assembly, fabrication, and/or processing of products.
- (d) Industrial, Heavy.
  - (1) See Sec. 25.6.6.5.
- (e) Industrial, Light.
  - (1) See Sec. 25.6.6.6.
- (f) Instructional Facility.
  - (1) See Sec. 25.6.4.19.
- (g) Interior lot.

- (1) See "Lot, interior."

**Sec. 25.2.2.10. "J" terms.**

- (a) Reserved.

**Sec. 25.2.2.11. "K" terms.**

- (a) Reserved.

**Sec. 25.2.2.12. "L" terms.**

- (a) Laboratory, Medical or Dental.

- (1) See Sec. 25.6.4.20.

- (b) Landscaping.

- (1) Grass, trees, hedges, shrubs, vines, ground covers, or flowers planted and maintained to enhance the appearance of a development. Landscaping may include non-botanical hardscaping and features such as walks, fountains, reflecting pools, art works, rain gardens, stormwater management features, screens, walls, fences, and benches.

- (c) Land Use Article

- (1) The Land Use Article of the Maryland Annotated Code, as may be amended.

- (d) Law.

- (1) Any law, ordinance, resolution, or regulation having the effect of law, whether adopted by the Federal, State, County, City, or other unit of government or agency thereof.

- (e) Legal description.

- (1) For the land included in a plat, the lot, block, subdivision name, plat number along with the notation that it is recorded among the land records of Montgomery County, Maryland.

- (f) Life Care Facility.

- (1) See Sec. 25.6.3.9.

- (g) Life science.

- (1) A land use within the scope of "Research and Development." Research, laboratory testing, development, and manufacturing activities in one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities, none of which emit or store hazardous materials. For a business, institution, or government agency conducting such activities, this also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, information technology, and robotics.

- (h) Live/work unit.
  - (1) See Sec. 25.6.3.10.
- (i) Loading space.
  - (1) An off-street space used only for the parking of a vehicle while loading or unloading goods or materials.
- (j) Local Map Amendment.
  - (1) A map amendment affecting a single, contiguous site that is typically sought by the owner or other person having a proprietary interest in the site. A local map amendment may include multiple lots or parcels.
- (k) Lot.
  - (1) A parcel of land identified as a lot on a record plat or described by recorded deed or other instrument.
  - (2) For descriptions of corner lots, interior lots, through lots, and pipestem lots, see Sec. 25.2.3.2(a).
- (l) Lot, corner.
  - (1) See Sec. 25.2.3.2(a)(3).
- (m) Lot, interior.
  - (1) See Sec. 25.2.3.2(a)(1).
- (n) Lot, ownership.
  - (1) A parcel of land designated on an ownership plat for purposes of ownership identification. Any land so designated does not constitute a record lot.
- (o) Lot, part.
  - (1) A portion of a record lot.
- (p) Lot, pipestem.
  - (1) See Sec. 25.2.3.2(a)(2).
- (q) Lot, qualifying undersized.
  - (1) Any lot meeting the standards of Sec. 25.7.1.2.
- (r) Lot, record.
  - (1) A lot shown on a record plat, not including land identified on any such plat as an outlot or an ownership lot shown on an ownership plat. A record lot which has been reduced in size due to dedication of right of way remains a record lot.
- (s) Lot, through.
  - (1) See Sec. 25.2.3.2(a)(4).

- (t) Lot, unbuildable.
  - (1) Any record lot for a single-unit detached dwelling which does not meet either:
    - A. The minimum lot area and lot frontage requirements of the current zone; or
    - B. The minimum standards outlined in Sec. 25.7.1.2.
- (u) Lot coverage.
  - (1) See “Coverage, lot.”
- (v) Lot line.
  - (1) See Sec. 25.2.3.2(b)(1)A.

**Sec. 25.2.2.13. “M” terms.**

- (a) Main entrance.
  - (1) The primary point of pedestrian access to a building or property, typically designed for public or occupant use.
- (b) Manufactured home.
  - (1) A land use within the scope of "Dwelling, Single-unit Detached." A transportable structure that is more than 320 feet, designed to be used as a dwelling, and includes the plumbing, heating, air-conditioning, and electrical system. Any manufactured home that has a HUD certification number and complies with federal safety standards meets the criteria.
- (c) Manufacturing.
  - (1) The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
- (d) Map amendment.
  - (1) A change in the zoning designation(s) of a property or area as depicted on the zoning map for the City. A map amendment may be a local map amendment, a sectional map amendment, or a comprehensive map amendment.
- (e) Medical office.
  - (1) See “Office, medical.”
- (f) Metes and bounds.
  - (1) A system of describing and identifying land by measurement (metes) and compass direction (bounds) from an identifiable point of reference such as a monument, marker, point of intersection, stone, or other permanent feature.
- (g) Mobile Use.

(1) See Sec. 25.6.4.21.

(h) Modular dwelling.

(1) A land use within the scope of "Dwelling, Single-unit Detached." A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals that:

- A. Includes the necessary electrical, plumbing, heating, ventilating, and other service systems.
- B. Is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site and;
- C. Is installed and set up according to the manufacturer's instructions on a foundation and support system that meets local building codes.

(i) Multiplex.

(1) See Sec. 25.6.3.11.

**Sec. 25.2.2.14. "N" terms.**

(a) Nonconforming use.

(1) See "Use, Nonconforming."

(b) Nonconformity, development standard.

(1) See "Development standard nonconformity."

(c) Nursing home.

(1) A land use within the scope of "Life Care Facility." A facility licensed, funded, or registered by the State of Maryland or the County devoted primarily to the maintenance and operation of resources for the treatment and care of persons suffering from illness, disease, aging, or injury and not requiring acute care that is normally provided in a hospital, but who require care in excess of room and board and who need the availability of on-site medical, nursing, convalescent, or chronic care.

**Sec. 25.2.2.15. "O" terms.**

(a) Office.

(1) See Sec. 25.6.4.22.

(b) Office, medical.

(1) A land use within the scope of "Office." A room, set of rooms, or a building occupied by up to 4 medical practitioners and related services to provide healthcare on an outpatient basis.

(c) Off-premises sign.

(1) See "Sign, off-premises."

- (d) Outdoor Sales and Storage.
  - (1) See Sec. 25.6.4.23.
- (e) Outlot.
  - (1) An unbuildable lot, whether due to insufficient size or frontage, poor topography, lack of accessibility, or other reasons, identified as an outlot on a record plat.
- (f) Overlay zone.
  - (1) See “Zone, overlay.”
- (g) Owner.
  - (1) The owner of property as shown on the assessment records of the State Department of Assessments and Taxation.
- (h) Ownership lot.
  - (1) See "Lot, ownership."
- (i) Ownership plat.
  - (1) See "Plat, ownership."

**Sec. 25.2.2.16. “P” terms.**

- (a) Parcel.
  - (1) A quantity of land described with such definiteness that its location and boundaries may be established.
- (b) Park.
  - (1) See Sec. 25.6.5.7.
- (c) Parking facility.
  - (1) A lot and/or structure or portion thereof used for the storage or parking of automobiles, incidental to an office, commercial, institutional, recreational, industrial use, or residential use other than for a single-unit detached, townhouse, or multiplex dwelling, with or without compensation.
- (d) Parking lot.
  - (1) See “Parking facility.”
- (e) Parking Structure, Commercial.
  - (1) See Sec. 25.6.7.9.
- (f) Party of record.
  - (1) Any person who registers an appearance at a public hearing or proceeding, either through direct testimony or written submission, or who provides written notice of intent to participate in a public hearing or proceeding.

- (g) Party wall.
  - (1) A wall common to but dividing contiguous buildings or dwelling units, extending from the basement floor to the highest point of the roof with no openings.
- (h) Patio.
  - (1) An uncovered level outdoor recreation space, normally masonry that is less 12 inches above grade.
- (i) Pawnbroker.
  - (1) See Sec. 25.6.4.24.
- (j) Period of significance.
  - (1) The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it as a significant example of a type, period, or method of construction. Period of significance usually begins and ends with the dates when significant activities or events occurred, giving the property its historic significance; for a significant example of a type, period, or method of construction this is often a date of construction.
- (k) Permanent sign.
  - (1) See "Sign, permanent."
- (l) Permitted use.
  - (1) See "Use, Permitted."
- (m) Person.
  - (1) An individual, association, firm, partnership, corporation, or government agency, not including the City.
- (n) Person with a disability.
  - (1) A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.
- (o) Personal Care Facility.
  - (1) See Sec. 25.6.4.25.
- (p) Personal Living Quarters.
  - (1) See Sec. 25.6.3.12.
- (q) Petitioner.
  - (1) See "Applicant."
- (r) Pick-Up Drop-Off (PUDO) space.

- (1) A parking space used, intended, and marked exclusively for the short-term (no longer than 15-minute) stopping of vehicles to load or unload passengers or goods by ride-hailing services, taxis, delivery vehicles, private cars, and the like.
- (s) Pharmacy.
  - (1) A land use within the scope of "Retail Establishment." An establishment primarily engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.
- (t) Pipe stem lot.
  - (1) See "Lot, pipe stem."
- (u) Plan.
  - (1) The Comprehensive Plan of the City of Rockville, including all amendments thereto, approved and adopted in accordance with Title 3 of the Land Use Article of the Maryland Annotated Code.
- (v) Place of Worship.
  - (1) See Sec. 25.6.5.8.
- (w) Planned development governing documents.
  - (1) The collection of documents that establish the density, use, development standards, and special provisions that guide the build-out of a planned development located in any of the planned development zones contained in article 14 of this chapter. Those documents include one or more of the following:
    - A. Any resolution of approval by the Mayor and Council and any subsequent amendment thereto including any attachments;
    - B. Any preliminary development plan approval by the Planning Commission and any subsequent amendment thereto including any attachments;
    - C. Any annexation agreement or other development agreement;
    - D. The provisions of this chapter applicable to the particular planned development prior to March 16, 2009 and not inconsistent with the resolution of approval or the approved preliminary development plan, or the annexation agreement or other development agreement.
- (x) Plat.
  - (1) A map of a subdivision showing the boundaries and locations of the lots or parcels recorded thereon.
- (y) Plat, ownership.
  - (1) A map, in the form of a plat, designating land as separate lots for purposes of ownership identification only.

- (z) Plat, record.
  - (1) A plat that has been recorded among the land records of Montgomery County, Maryland.
- (aa) Porch.
  - (1) A roofed, open area attached to or part of a building, and with direct access to and from the building.
- (bb) Portable sign.
  - (1) See "Sign, portable."
- (cc) Premises.
  - (1) A lot, together with all buildings and structures thereon.
- (dd) Professional Services.
  - (1) See Sec. 25.6.4.26.
- (ee) Prohibited use.
  - (1) See "Use, Prohibited."
- (ff) Project Plan.
  - (1) A conceptual plan of development for a major project proposal as determined under the provisions of Sec. 25.4.1 that must be approved by the Mayor and Council, and which may include a phasing plan for completion of the development over time.
- (gg) Public Utility Structure.
  - (1) See Sec. 25.6.5.9.
- (hh) Publicly-Owned or -Operated Facility.
  - (1) See Sec. 25.6.5.10.

**Sec. 25.2.2.17. "Q" terms.**

- (a) Qualifying undersized lot.
  - (1) See "Lot, qualifying undersized."

**Sec. 25.2.2.18. "R" terms.**

- (a) Rear yard.
  - (1) See "Yard, rear."
- (b) Record lot.
  - (1) See "Lot, record."
- (c) Recreational Facility; Indoor, Commercial.

- (1) See Sec. 25.6.4.27.
- (d) Recreational Facility; Outdoor, Commercial.
  - (1) See Sec. 25.6.4.28.
- (e) Redevelopment.
  - (1) The process of replacing, repurposing, or substantially altering existing buildings, infrastructure, or land to accommodate new site improvements or uses.
- (f) Renewable Energy System.
  - (1) See Sec. 25.6.8.3.
- (g) Renewable energy generation equipment.
  - (1) Any equipment necessary for the onsite generation and use of energy from renewable energy sources including but not limited to solar, wind and geothermal.
- (h) Research and Development.
  - (1) See Sec. 25.6.6.7.
- (i) Restaurant.
  - (1) An establishment that merchandises or dispenses food and drink and provides patron seating and/or drive-through facilities.
- (j) Retail.
  - (1) The sale of commodities or goods to an end consumer.
- (k) Retail Establishment.
  - (1) See Sec. 25.6.4.29.
- (l) Right-of-way.
  - (1) An area, including the earth below and air above, on which its authority allows the public, vehicles, and/or utilities a right to pass or travel and was accepted on behalf of the public by plat, easement, eminent domain, purchase, fee simple title, or prescriptive use. Associated features include, but are not limited to: bridges, roads, tunnels, sidewalks, shared-use paths, tree lawn, curb, gutter, drainage features, bike facilities and public utilities.

**Sec. 25.2.2.19. "S" terms.**

- (a) Sectional Map Amendment.
  - (1) A map amendment affecting a section of the City. A sectional map amendment is a type of comprehensive amendment as defined by Maryland case law.
- (b) Self-Storage Facility.
  - (1) See Sec. 25.6.6.8.

- (c) Senior adult.
  - (1) A person who is 62 years of age or older.
- (d) Setback.
  - (1) See Sec. 25.2.3.3(a)(1).
- (e) Sexually-oriented material.
  - (1) Any material, display, or performance whether written, oral or visual, whose predominant character and theme is the depiction or description of sexually oriented activities or specified anatomical areas, as well as any instrument, device, or paraphernalia, which is designed for use in connection with sexually oriented activities.
- (f) Shooting Gallery.
  - (1) See Sec. 25.6.4.30.
- (g) Shopping Center.
  - (1) A group of commercial establishments located on a single record lot, which are planned, developed, and managed as a unified entity.
- (h) Side lot line.
  - (1) See "Lot line, side."
- (i) Side street.
  - (1) See "Street, side."
- (j) Side yard.
  - (1) See "Yard, side."
- (k) Sight distance triangle.
  - (1) A triangular area at an intersection of streets, alleys, or driveways that must remain clear of obstructions to ensure drivers have an unobstructed view of other vehicles, pedestrians and cyclists to allow drivers to safely stop, enter, or cross an intersection.
- (l) Sign.
  - (1) Any structure that has a visual display readable from a public right-of-way and is designed to identify, announce, direct, or inform.
- (m) Sign, A-frame.
  - (1) See Sec. 25.10.3.1(a).
- (n) Sign, banner.
  - (1) A type of temporary sign made of fabric, cloth, flexible plastic, or other durable flexible material, which is mounted with no enclosing framework. This does not include any sign better classified as a flag.

- (o) Sign, blade.
  - (1) A sign attached to and projecting from the façade of a building or a support column, generally at a right angle to the building wall or support column.
- (p) Sign, building.
  - (1) See Sec. 25.10.3.2(a).
- (q) Sign, building-mounted banner (temporary).
  - (1) See Sec. 25.10.3.3(a).
- (r) Sign, directional.
  - (1) A sign reasonably necessary for the safe and efficient circulation of pedestrian or vehicular traffic on a site. Directional signs may be freestanding signs or building signs.
- (s) Sign, freestanding.
  - (1) See Sec. 25.10.3.4(a).
- (t) Sign, freestanding (temporary)
  - (1) See Sec. 25.10.3.5(a).
- (u) Sign, freestanding banner.
  - (1) A banner sign that is attached to a structure like a pole, column, frame, or brace as its sole means of support in which the support structure is not an integral part of the sign
- (v) Sign, permanent.
  - (1) A sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.
- (w) Sign, portable.
  - (1) A sign that is intended, by design and construction, to rest upon the ground for support and that may be easily moved or relocated.
- (x) Sign, off-premises.
  - (1) A sign advertising a business, person, activity, good, product, or service not located on the site where the sign is installed, or that directs a person to any location not on the site.
- (y) Sign, temporary.
  - (1) A sign intended to be displayed for a limited period of time.
- (z) Sign, window.
  - (1) See Sec. 25.10.6(a). ec. 25.10.6(a) also includes permanent Window Sign and temporary Window Sign.
- (aa) Sign face.

- (1) The entire surface area of a sign upon, against, or through which copy is placed, and does not include a sign's supporting elements or structure.

(bb) Site.

- (1) Land proposed for or included in a single development application.

(cc) Site plan.

- (1) The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; vehicle circulation, parking and loading areas; historic and archaeological resources; utility services; structures and buildings; signs; exterior lighting; buffers and screening; surrounding development; and any other information that reasonably may be required by the Approving Authority pursuant to this Chapter.

(dd) Special Exception.

- (1) A grant of a specific use that would not be appropriate generally or without restriction and must be based upon a finding that certain conditions governing Special Exceptions as detailed in this Chapter exist, that the use conforms to the Plan, and that the use is compatible with the existing neighborhood.

(ee) Stacked townhouse.

- (1) See "Townhouse, stacked."

(ff) Start of construction

- (1) The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(gg) State.

- (1) The State of Maryland.

(hh) Street.

- (1) A dedicated right-of-way which affords the principal means of vehicular access to abutting property, including street, avenue, place, drive, boulevard, highway, road, pike, cul-de-sac, court, and any other right-of-way except an alley.

(ii) Structure.

- (1) A combination or assembly of materials designed for permanent location on the ground and intended for occupancy or use, but not including attached appurtenances. Structures include, but are not limited to, items such as buildings, arenas, tents intended for public assembly, solar canopies, electric power transmission towers, freestanding antennae for telecommunications, bridges, water tanks, fences, freestanding signs, and utility poles.

(jj) Structure, accessory.

- (1) See "Building or structure, accessory."

(kk) Studio.

- (1) See Sec. 25.6.4.31.

(ll) Subdivision.

- (1) The division or consolidation of land into one or more lots, outlots, or parcels. The creation of ownership lots is not a subdivision. "Subdivision" may also refer to a site that has been subdivided.

(mm) Swimming Pool.

- (1) See Sec. 25.6.4.32.

**Sec. 25.2.2.20. "T" terms.**

(a) Temporary sign.

- (1) See "Sign, temporary."

(b) Temporary Uses.

- (1) See Sec. 25.6.8.4.

(c) Theater.

- (1) See Sec. 25.6.4.33.

(d) Through lot.

- (1) See "Lot, through."

(e) Tobacco and Vape Shop.

- (1) See Sec. 25.6.4.34.

(f) Tobacco product.

- (1) Any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product). The term "tobacco product" includes, but is not limited to, cigarettes, cigars, cigarillos, smokeless tobacco, bidis, dissolvable tobacco, kreteks, and loose tobacco intended for use in a pipe, hookah, or other smoking device.
- (g) Toll.
  - (1) To suspend or stop temporarily.
- (h) Townhouse.
  - (1) See Sec. 25.6.3.13.
- (i) Townhouse, stacked.
  - (1) A building containing two dwelling units that are arranged vertically and separated from one another. Attached stacked townhouses are separated by a vertical party wall. Stacked townhouses may also be referred to as "two-over-tvos." Stacked townhouses are Multiplexes when arranged in groups of four units or fewer, and Apartments when arranged in groups of five units or more.
- (j) Trailer.
  - (1) An unpowered wheeled vehicle designed to be towed by a motor vehicle.
- (k) Triplex.
  - (1) A three-unit multiplex.

**Sec. 25.2.2.21. "U" terms.**

- (a) Use.
  - (1) The purpose for which a lot, building, or structure, or portion thereof, is or may be designed, arranged, intended, occupied, or maintained.
- (b) Use, accessory.
  - (1) A use which is customarily associated with and clearly incidental and subordinate to a legally established principal use that is:
    - A. Located and operated on the same lot as the principal use, unless otherwise provided in this Chapter.
    - B. Operated and/or maintained under or on behalf of the same ownership as the principal use, except when in conjunction with a Publicly-Owned or -Operated Facility.
- (c) Use, conditional.
  - (1) See Sec. 25.6.2.1(a)(2).

- (d) Use, nonconforming.
  - (1) A use that was lawful when established but no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of this chapter or zoning map.
- (e) Use, permitted.
  - (1) See Sec. 25.6.2.1(a)(1).
- (f) Use, principal.
  - (1) The primary or predominant use of any lot, building, or structure.
- (g) Use, prohibited.
  - (1) A use not permitted in a zone.
- (h) Use, Special Exception.
  - (1) See Sec. 25.6.2.1(a)(3).

**Sec. 25.2.2.22. “V” terms.**

- (a) Variance.
  - (1) A modification only of density, bulk, or area requirements in the zoning ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the result of any action taken by the applicant, a literal enforcement of this chapter would result in practical difficulty.
- (b) Veterinary Services.
  - (1) See Sec. 25.6.4.35.

**Sec. 25.2.2.23. “W” terms.**

- (a) Wearing apparel services.
  - (1) A land use within the scope of "Personal Care Facility." Establishments that maintain and repair clothing, such as tailor or dressmaker, dry cleaner, cobbler, and laundromat.
- (b) Wholesale Establishment.
  - (1) See Sec. 25.6.4.36.
- (c) Window sign.
  - (1) See “Sign, window.”
- (d) Wireless Communication Facility.
  - (1) See Sec. 25.6.5.11.
- (e) Wireless communication service.

- (1) Those services defined in the same manner as in Title 47, U.S. Code, Section 332(c)(7)(c), as they may be amended from time to time, and such other services that consist of the transmission and/or reception of information by electromagnetic wave, digital signals, broadcast television signals, analog signals, radio frequencies, or other communication signals.

**Sec. 25.2.2.24. “X” terms.**

- (a) Reserved.

**Sec. 25.2.2.25. “Y” terms.**

- (a) Yard.
  - (1) See Sec. 25.2.3.2(d)(1)A.

**Sec. 25.2.2.26. “Z” terms.**

- (a) Zone.
  - (1) A specifically delineated area, district, or section of the City within which uniform development standards govern the use, placement, spacing, and size of land and buildings.
- (b) Zone, overlay.
  - (1) A specifically delineated area, district, or section of the City within which standards that modify the requirements of the zone are superimposed.
- (c) Zoning map.
  - (1) The zoning map of the City of Rockville, Maryland, officially adopted by the Mayor and Council, together with all amendments thereto subsequently adopted.

## **Division 2.3. Measurements and Exceptions**

The rules of this Division apply to all zones unless stated otherwise.

**Sec. 25.2.3.1. General rules of measurement and calculation.**

- (a) All measured distances are to be measured to the nearest integral foot.
- (b) Measurements and calculations up to 0.49 feet are rounded down; measurements and calculations of 0.5 feet or more are rounded up.
- (c) *Computation of time.* In computing the time limits specified in this Chapter:
  - (1) The day of the act, event, or default after which the designated period of time begins to run is not included.
  - (2) Unless business days are specified, days are counted as follows.
  - (3) If the period of time allowed is more than seven days, all calendar days are counted.

- (4) If the period of time allowed is equal to or less than seven days, intermediate Saturdays, Sundays, and holidays are not counted.
- (5) The final day is counted unless it is a Saturday, Sunday, holiday, or other day on which City Hall is not open for regular business; in which case, the next day on which City Hall is open for regular business will count as the last day.

**Sec. 25.2.3.2. Lot measurement and configuration.**

**(a) Lot configurations.**

**(1) Interior lot.**

- A. Definition. Any lot other than a corner lot or a through lot.

**(2) Pipestem lot.**

- A. Definition. A type of interior lot configured with a narrow panhandle or pipe stem, which panhandle or pipe stem provides vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of one or more lots.

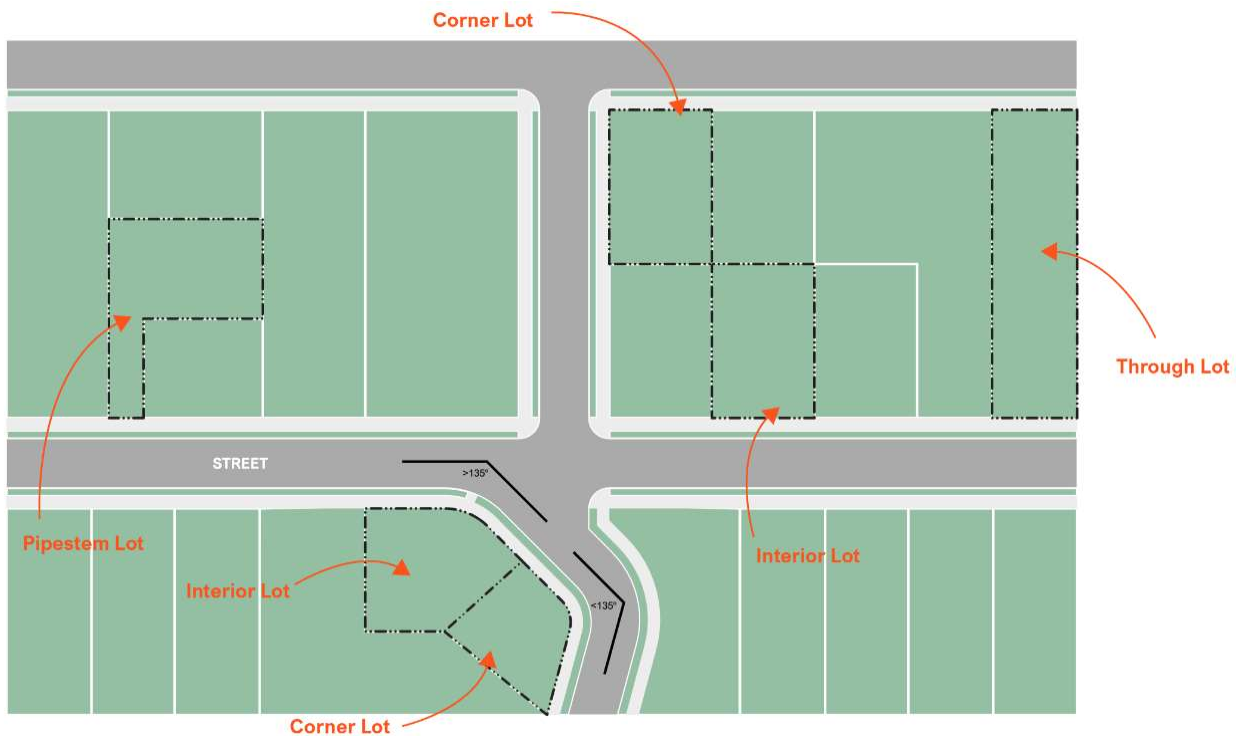
**(3) Corner lot.**

- A. Definition. A lot abutting the intersection of two or more streets where the interior angle of the intersection does not exceed 135 degrees.

**(4) Through lot.**

- A. Definition. An interior lot fronting on two or more streets that do not intersect adjacent to the lot. A through lot has two front yards and no rear yard.

**Figure 2.3.2-1: Lot Configurations**



(b) *Lot lines.*

(1) *Lot line.*

A. *Definition.* The property lines bounding a lot.

(2) *Lot line, front.*

A. *Definition.* The front lot line is the lot line running along the front of the lot and separating it from the street, or where permitted, common open space.

1. In a through lot and a corner lot, both lines abutting the street are deemed to be front lot lines.

(3) *Lot line, rear.*

A. *Definition.* The rear lot line is the lot line generally opposite or parallel to the front lot line, except in a through lot.

1. If the rear lot line is less than 10 feet long or the lot comes to a point at the rear, the rear lot line is a line not less than 10 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of the front lot line.
2. Corner lots in the shape of a triangle have no rear lot line.

(4) *Lot line, side.*

A. *Definition.*

1. The side lot line is a lot line connecting the front lot line to the rear lot line; or
2. In the case of a through lot, the side lot lines are the lot lines connecting the two front lot lines; or
3. In the case of a corner lot in the shape of a triangle, the side lot line is the lot line connecting the two front lot lines.

(c) *Lot dimensions.*

(1) *Lot width.*

A. At the front lot line.

1. The lot width at the front lot line is measured between the side lot lines, at the front lot line, along a straight line; however, if the front lot line is curved, lot width at the front lot line is measured along the chord of the front lot line.

B. At the front setback line.

1. The lot width at the front setback line is measured between the side lot lines, at the front setback line, along a straight line.

(2) *Lot area.*

- A. *Definition.* Lot area is the horizontal area included within the bounds of the lot lines or proposed street lines of the lot.

(3) *Lot area, useable.*

- A. The useable area upon which the density of development is calculated must be determined by deducting from the gross area of the site the following:
1. All land indicated in the Plan for highways with a designated right-of-way width of 100 feet or greater;
  2. All 100-year floodplains.

(d) *Yards.*

(1) *Yard.*

- A. *Definition.* The undeveloped space on a lot lying between the lot lines and the principal building or structure.

(2) *Front yard.*

- A. The front yard is an area extending across the full width of the lot, the depth of which is the distance between the front lot line and the principal structure façade.
- B. On a corner lot or through lot, the yards lying between the principal building and the street are deemed front yards.

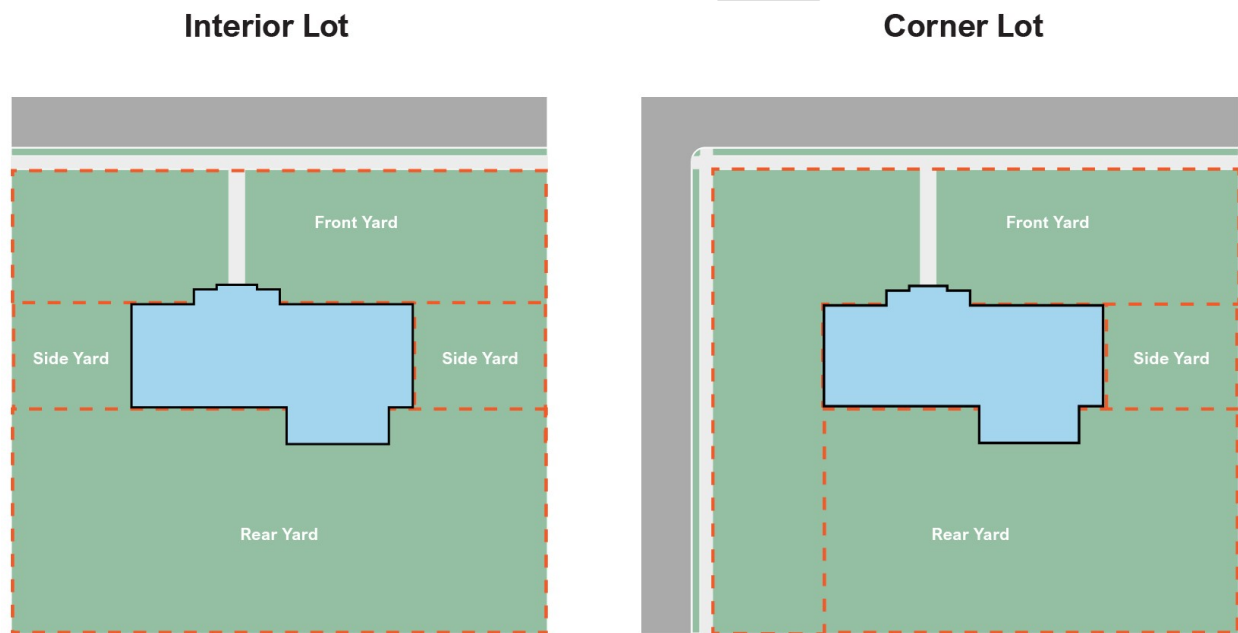
(3) *Rear yard.*

- A. The rear yard is an area extending across the full width of the lot, the depth of which is the distance between the rear lot line and the principal structure façade.
- B. On a corner lot, the rear yard is the yard that meets the rear yard setback.
- C. A through lot has no rear yard.

(4) *Side yard.*

- A. The side yard is all the area between the side lot line and the building façade which does not qualify as front yard or rear yard.

**Figure 2.3.2-2: Yards**



**Sec. 25.2.3.3. Structure placement and encroachments.**

(a) *Setback.*

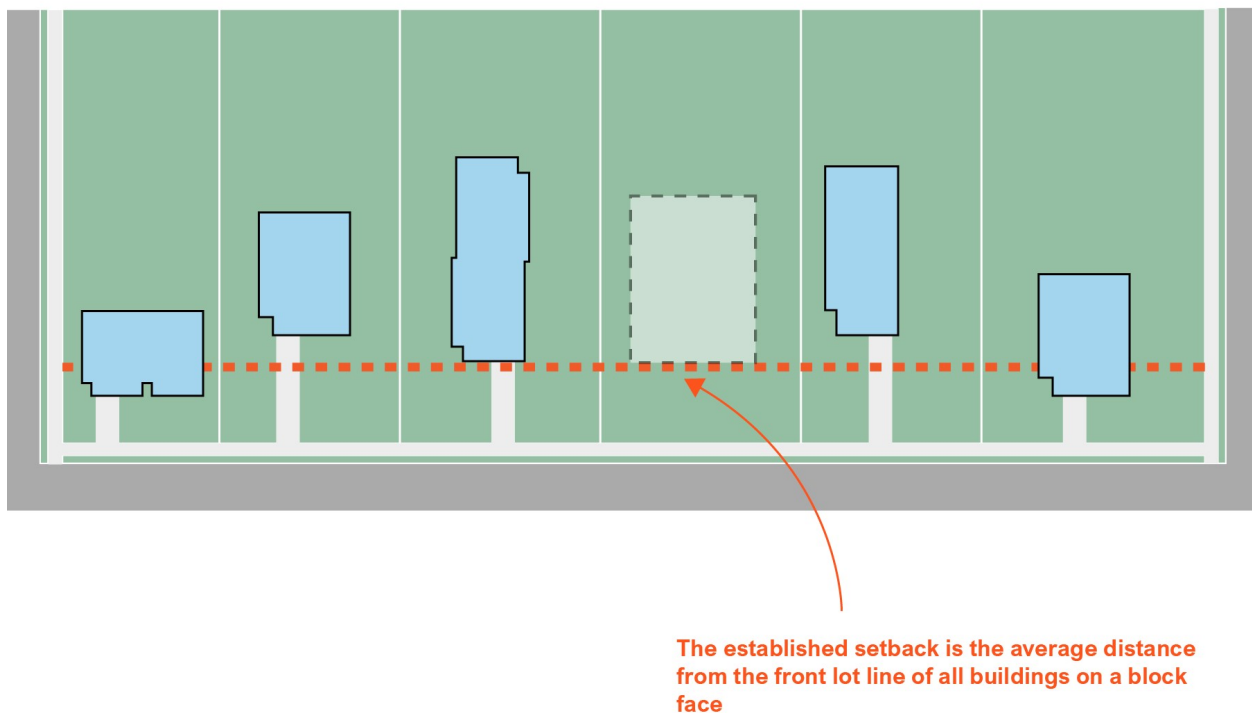
- (1) *Definition.* A setback is the minimum perpendicular distance required between a lot line and any building or structure constructed or which may be constructed thereon consistent with the setback requirements of the zone in which such lot is located.
  - A. Setback from unimproved rights-of-way. If an unimproved right-of-way has remained unimproved for at least twenty years following the date of recordation of the plat or deed, and is not programmed for improvement in the current City Capital Improvements Program, the following regulations apply:
  - B. Setbacks for buildings. If the unimproved right-of-way abuts one side of a lot, then the side yard setback requirement in the zone applies in lieu of the front yard setback requirement. If the unimproved right-of-way is approximately parallel to the improved street providing the primary access to the main dwelling, then the

setback from the unimproved right-of-way is equivalent to the rear yard setback in the applicable zone in lieu of the front yard setback requirement.

(b) *Established setback.*

- (1) *Definition.* The established setback is the average distance from the front lot line of all buildings on a block face (one side of a street between two intersecting streets).
  - A. When the majority of existing buildings located on the block face exceed the required front yard setback, the established setback applies as the front yard setback from new development. Where the established setback would be less than that required in the zone, the front setback of the zone applies.

**Figure 2.3.3-1: Established Setback**



(c) *Build-to line.*

- (1) *Definition.* A build-to line is the maximum setback line established by the applicable master plan that sets the location of building construction on the lot. A build-to line typically runs parallel to the front property line and is established to create an even building facade line along a street.

(d) *Setback and build-to line encroachments.*

- (1) Buildings and structures must be located at or behind the required setback line, except that the following structures and features are permitted to project into the required setbacks as set forth in Table 2.3.3-1.

**Table 2.3.3-1: Setback and Build-To Line Encroachments**

| Structure of Feature                               | Permitted Encroachment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Air conditioners and heat pumps                    | <p>In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, air conditioners and heat pumps may project no more than five feet into the side and rear yard setback, except that:</p> <ul style="list-style-type: none"> <li>Existing nonconforming air conditioners and heat pumps may be replaced in the same location.</li> </ul>                                                                                                                                                                                                                                                                                          |
| Americans with Disabilities Act (ADA) improvements | <p>Structures and structural features to assist persons with disabilities required to meet the provisions of the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code are permitted to project into the required yard setbacks for each structure or feature. This encroachment is permitted only so long as it is needed to accommodate a person with disabilities and the right to such encroachment does not run with the land.</p>                                                                                                                                                                                    |
| Architectural elements                             | <p>Cornices, eaves, and gutters may project no more than:</p> <ul style="list-style-type: none"> <li>Three feet into front and side yard setback; and</li> <li>Five feet into rear yard setback.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                                    | <p>Bay windows, vestibules, or balconies that are less than 10 feet wide may project no more than three feet into the front and rear yard setbacks.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                    | <p>Belt courses, sills, and lintels may project no more than six inches into front, rear, and side yard setback.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Canopies (other than solar canopies)               | <p>In the RMD-10, RMD-15, RMD-25, RHD, I-L, I-H, and all MXTD zones, as well as the MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones, canopies may encroach into applicable setbacks as follows:</p> <ul style="list-style-type: none"> <li>Non-permanent canopies up to 10 feet wide may encroach up to the front lot line.</li> <li>Permanent canopies up to 40 feet wide on lots with front setbacks of 50 feet or greater may encroach up to 40 feet into the front setback.</li> <li>Permanent canopies up to 40 feet wide on lots with front setbacks of less than 50 feet may encroach up to 10 feet from any front lot line.</li> </ul> |

| Structure of Feature                  | Permitted Encroachment                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chimneys less than six feet wide      | Chimneys less than six feet wide may project no more than 18 inches into a front, side, or rear setback.                                                                                                                                                                                                                                                                                                                                                                       |
| Emergency generators                  | <p>In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, emergency generators may project no more than:</p> <ul style="list-style-type: none"> <li>• Five feet into a rear yard setback; and</li> <li>• Five feet into a front yard setback on a corner lot.</li> </ul>                                                                                                                                                                                    |
| Unenclosed steps, stoops, and porches | <p>In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, unenclosed steps, stoops, and porches may encroach no more than:</p> <ul style="list-style-type: none"> <li>• 12 feet into the front yard setback;</li> <li>• Nine feet into the rear yard setback;</li> <li>• Four feet into the side yard setback, so long as the steps, stoop, or porch are no greater than eight feet wide.</li> <li>• Such entryways may be covered or uncovered.</li> </ul> |

#### **Sec. 25.2.3.4. Coverage.**

##### *(a) Coverage, front yard.*

- (1) *Definition.* The percent of the front yard covered by driveways, parking areas, and sidewalks, regardless of paving material or perviousness.

##### *(b) Coverage, lot.*

- (1) *Definition.* The percentage of lot area covered by buildings, including covered porches and accessory buildings, except any areas covered by historic accessory buildings in the Historic District Overlay zone.

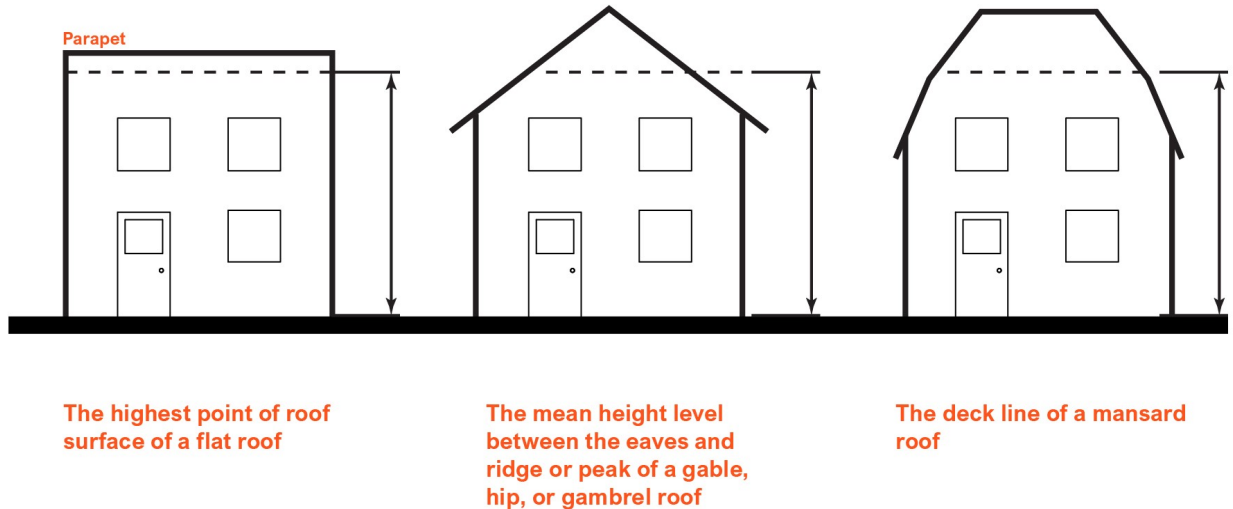
#### **Sec. 25.2.3.5. Height.**

##### *(1) Definition.*

- A. The height of a building is measured from the level of the approved street grade opposite the middle of the front of the building, except that:
  1. If a building is set back 35 feet or more from the street line, the building height is measured from the average elevation of the finished grade along the front of the building.
- B. The height is measured to:
  1. The highest point of roof surface of a flat roof;
  2. The deck line of a mansard roof; or

3. The mean height level between the eaves and ridge or peak of a gable, hip, or gambrel roof.

**Figure 2.3.5-1: Building height**



- C. *Terraces above street grade.* If the building is located on a pre-existing terrace above the street grade, the height is measured from the top of the terrace.
- D. *Corner lots exceeding 20,000 square feet.* On a corner lot exceeding 20,000 square feet of area, the height of a building may be measured from either adjoining street grade.
- E. *Through lots.* For a through lot, the height may be measured from either street grade, provided that the maximum height permitted on the higher street extends to a point 150 feet from the lower street line, at which point the maximum height must be measured from the lower street.

(b) *Exceptions.*

- (1) *Accessory buildings.* The height of an accessory building or structure is measured from the lowest point of the finished grade at the front of the building to the highest point of the roof.
- (2) *Lincoln Park Neighborhood Conservation District Overlay zone.* The height of a principal structure in the Lincoln Park Neighborhood Conservation District Overlay zone is measured from existing grade to the peak of the roof.
- (3) *Height encroachments.*
  - A. The following non-habitable elements of a structure may exceed the height limitations prescribed for the zone in which the structure is located, subject to the restrictions of Sec. 25.2.3.5(g), below:

1. Architectural elements including parapet walls, belfries, chimneys, flagpoles, flues, monuments, and spires;
  2. Rooftop mechanical equipment including elevator equipment and heating, ventilation, and air conditioning units (HVAC);
  3. Water towers and tanks;
  4. Solar heating panels, solar collectors, or renewable energy generation equipment; and
  5. Radio and television towers or antennae or aerials (subject to the wireless provisions contained in Sec. 25.6.5.11).
- (c) *Restrictions.* The height exemptions provided in Sec. 25.2.3.5(f), above, are subject to the following restrictions:
- (1) Architectural elements listed above must meet the following standards:
    - A. Must have a total area less than 25 percent of the roof area;
    - B. Must only be used for a use incidental to the main use of the building;
    - C. Must be less than 19 feet in height as measured from the finished roof elevation; and
    - D. Must be setback from the edge of the roof by a minimum of a 1:1 setback to height ratio.
    - E. Parapet walls must not exceed six feet in height as measured from the finished roof elevation.
  - (2) Rooftop mechanical equipment and water towers and tanks must be screened from view by an enclosure no taller than 19 feet in height as measured from the finished roof elevation.
  - (3) Rooftop mechanical equipment, water tanks and towers, and their enclosures must be set back from the edge of the roof by a minimum of a 1:1 setback to height ratio.
  - (4) Rooftop enclosures must be designed to be compatible, using, as closely as possible, the materials, color and style of the building.
- (d) *Waiver.*
- (1) The Approving Authority may permit a waiver from any or all of the restrictions set forth in Sec. 25.2.3.5(g) upon finding that the size, scale, and dimensions of any non-habitable architectural structure listed above are:
    - A. Architecturally compatible with both the building on which it is to be erected and the adjacent buildings; and
    - B. Not contrary to the intent and purpose of the Plan or this Chapter.

- (2) In granting any such waiver, the Approving Authority may impose such conditions as may be reasonable and necessary so that the non-habitable architectural structures are consistent with the Plan, including, but not limited to, the screening of rooftop structures.

DRAFT

## **Article 3. Administration**

### **Division 3.1. Approving Authorities**

#### **Sec. 25.3.1.1. Mayor and Council.**

- (a) *Powers and duties.* The Mayor and Council has all powers and duties conferred and imposed on it by the City Charter, State law, and this Chapter.

#### **Sec. 25.3.1.2. Planning Commission.**

- (a) *Established.* There is established a Planning Commission for the City of Rockville.
- (b) *Powers and duties.*
- (1) *Generally.* The Planning Commission has all powers and duties conferred and imposed upon it by State law and this Chapter, including, but not limited to:
    - A. Providing analysis and recommendations to the Mayor and Council on matters related to the Plan;
    - B. Providing analysis and recommendations to the Mayor and Council on matters related to amendments to this Chapter and the zoning map;
    - C. Reviewing and acting upon Site Plan and Project Plan applications in accordance with provisions of Article 4;
    - D. Administering the subdivision process as set forth in Article 12;
    - E. Considering appeals from the decisions of the Chief of Zoning as provided by this Chapter; and
    - F. Reviewing and acting on proposed public projects in accordance with the Land Use Article.
  - (2) *Responsibility where approval is required.* Where Planning Commission approval is required under this Chapter or other applicable law, the Planning Commission must:
    - A. Consider and act upon any request for approval;
    - B. Consider such request with regard to matters and facts pertinent and applicable thereto; and
    - C. Render its decision in accordance with the requirements, purpose, and intent of this Chapter and the Plan.
- (c) *Membership.*
- (1) *Number.* The Planning Commission consists of seven members who are appointed by the Mayor, subject to the confirmation of the Council.
  - (2) *Term.*

- A. *Length of term.* The term of each member is five years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.
  - B. *Staggered terms.* The respective terms of the seven members must be staggered.
- (3) *Chairperson.*
  - A. *Appointment.* The Planning Commission must elect a Chair from among its members.
  - B. *Term.* The Chair serves a term of one year and is eligible for reelection.
- (4) *Qualification.* Each member of the Planning Commission must be a resident of the City.
- (5) *Clerk of Commission.* The Chief of Zoning serves as the Clerk of the Commission and must:
  - A. Attend all meetings of the Planning Commission;
  - B. Keep a full and accurate account of the proceedings of the Planning Commission, including but not limited to the official record of all matters filed with the Planning Commission;
  - C. Accept and transmit all relevant applications to the Planning Commission; and
  - D. Keep such other records and perform such other duties as may be required by this Chapter or by the Planning Commission.
- (d) *Rules of procedure.* The Planning Commission must adopt reasonable rules for the conduct of its business.
- (e) *Meetings and hearings.*
  - (1) The Planning Commission must meet when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the rules of procedure adopted by the Planning Commission.
  - (2) The Planning Commission must hold public hearings when required by State law or this Chapter.

#### **Sec. 25.3.1.3. Board of Appeals.**

- (a) *Established.* There is established a Board of Appeals for the City of Rockville.
- (b) *Powers and duties.*
  - (1) *Generally.* The Board has all those powers and duties conferred and imposed upon it by State law and this Chapter, including but not limited to:
    - A. Reviewing and acting upon applications for Special Exceptions and variances; and
    - B. Reviewing and acting upon appeals from administrative decisions.

- (2) *Responsibility where approval is required.* Where Board of Appeals approval is required under this Chapter or other applicable law, the Board must:
  - A. Consider and act upon any request for approval;
  - B. Consider such request with regard to matters and facts pertinent and applicable thereto; and
  - C. Render its decision in accordance with the requirements, purpose, and intent of this chapter.
- (c) *Membership.*
  - (1) *Number.* The Board of Appeals consists of three regular members and one alternate member who are appointed by the Mayor, subject to the confirmation of the Council.
  - (2) *Term.*
    - A. Length of term. The term of each member is three years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.
    - B. Staggered terms. The respective terms of the three regular members and one alternate member must be staggered.
  - (3) *Chairperson.*
    - A. *Appointment.* The Board of Appeals must elect a Chair from among its regular members.
    - B. *Term.* The Chair serves a term of one year and is eligible for reelection.
    - C. *Qualification.* Each member of the Board of Appeals must be a resident of the City.
  - (4) *Clerk of the Board.* The Chief of Zoning serves as the Clerk of the Board and must:
    - A. Attend all meetings of the Board of Appeals;
    - B. Keep a full and accurate account of the proceedings of the Board, including but not limited to the official record of all matters filed with the Board of Appeals;
    - C. Accept and transmit all relevant applications to the Board of Appeals; and
    - D. Keep such other records and perform such other duties as may be required by this Chapter or by the Board of Appeals.
    - E. Rules of procedure. The Board of Appeals must adopt reasonable rules for the conduct of its business.
- (d) *Meetings and hearings.*
  - (1) The Board of Appeals must meet when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the rules of procedure adopted by the Board of Appeals.

- (2) The Board of Appeals must hold public hearings when required by State law or this Chapter.
- (3) The alternate member of the Board of Appeals may only sit on the Board of Appeals when a regular member is recused or absent.

#### **Sec. 25.3.1.4. Historic District Commission.**

(a) *Established.* There is established a Historic District Commission for the City of Rockville.

(b) *Powers and duties.*

- (1) *Generally.* The Historic District Commission has all those powers and duties conferred and imposed upon it by State law and this Chapter, including but not limited to:
  - A. Identifying and recommending to the Mayor and Council properties and areas deemed eligible for historic designation due to their historic, archaeological, or architectural significance;
  - B. Reviewing applications for certificates of approval for sites, buildings, or structures within the Historic District Overlay zone;
  - C. Evaluating eligibility for historic designation of certain sites, buildings, or structures located outside the Historic District Overlay zone that are proposed for demolition, as defined in this Chapter;
  - D. Providing courtesy review to the Planning Commission and Mayor and Council as requested, for development within or adjacent to historic resources.
- (2) *Responsibility where approval is required.* Where Historic District Commission approval is required under this Chapter or other applicable law, the Historic District Commission must:
  - A. Consider and act upon any request for approval;
  - B. Consider such request with regard to matters and facts pertinent and applicable thereto; and
  - C. Render its decision in accordance with the requirements, purpose, and intent of this chapter.

(c) *Membership.*

- (1) *Number.* The Historic District Commission consists of five regular members and one alternate member who are appointed by the Mayor, subject to the confirmation of the Council.
- (2) *Term.*
  - A. *Length of term.* The term of each member and alternate member is three years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.

- B. *Staggered terms.* The respective terms of the five regular members must be staggered.
- (3) *Chairperson.*
- A. *Appointment.* The Historic District Commission must elect a Chair from among its regular members.
  - B. *Term.* The Chair serves a term of one year and is eligible for reelection.
- (4) *Qualification.*
- A. Each regular member and alternate member must be a resident of the City; and
  - B. Each regular member and alternate member must possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or a building trade or profession with a specialty in structural restoration.
    - 1. The requirement for a demonstrated special interest may be satisfied through either formal training in one or more of the above-listed fields or two or more years of active membership in a preservation-related organization as cited in a letter of recommendation from that organization.
    - 2. The requirement for specific knowledge may be satisfied through formal post-secondary education, employment, or practical experience in one or more of the above-listed fields.
    - 3. The requirement for professional or academic training may be satisfied through at least two years of experience working as a professional in one of the above-listed fields or a Baccalaureate degree or higher in one of the above-listed fields.
  - C. At least two regular members of the Historic District Commission must possess professional or academic training in history, architectural history, architecture, historic architecture, or archeology in accordance with the Secretary of the Interior's Professional Qualification Standards, to the extent that such professionals are available.
- (5) *Clerk of the Historic District Commission.* The Director of the Department of Community Planning and Development Services must appoint an employee of the Department to serve as the Clerk of the Historic District Commission. The Clerk must:
- A. Attend all meetings of the Historic District Commission;
  - B. Keep a full and accurate account of the proceedings of the Historic District Commission, including but not limited to the official record of all matters filed with the Historic District Commission;

- C. Accept and transmit all relevant applications to the Historic District Commission; and
  - D. Keep such other records and perform such other duties as may be required by this Chapter or by the Historic District Commission.
- (d) *Rules of procedure.* The Historic District Commission must adopt reasonable rules for the conduct of its business.
- (e) *Meetings and hearings.*
- (1) Meetings must be held when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the rules of procedure adopted by the Historic District Commission.
  - (2) The Historic District Commission must hold public hearings when required by State law or other provision of this Chapter.
  - (3) The alternate member of the Historic District Commission may only sit on the Historic District Commission when a regular member is recused or absent.

#### **Sec. 25.3.1.5. Chief of Zoning.**

- (a) *Powers and duties.*
- (1) *Generally.* The Chief of Zoning has all those powers and duties conferred and imposed upon the Chief of Zoning by this Chapter, including but not limited to:
    - A. Acting as the Clerk of the Planning Commission and the Board of Appeals;
    - B. For a use not listed in the land use tables, determining the applicable use permissions, provided the determination is consistent with the intent of this Chapter;
    - C. Issuing administrative interpretations in accordance with Sec. 25.3.1.6;
    - D. Reviewing and acting upon administrative adjustments in accordance with Sec. 25.4.5.3;
    - E. Reviewing applications for building permits, occupancy permits, and temporary occupancy permits for purposes of determining, and so advising the Chief of Inspection Services, whether all zoning requirements have been met;
    - F. Reviewing and acting upon sign permits in accordance with Sec. 25.4.4.4;
    - G. Reviewing and acting upon Site Plan applications in accordance with Article 4;
    - H. Reviewing and acting upon minor subdivisions in accordance with Article 12, Division 12.2;
    - I. Approving extensions to development approvals in accordance with Sec. 25.3.2.5; and
    - J. Interpreting the final decisions of the other Approving Authorities.

- (b) *Responsibility where approval is required.* Where Chief of Zoning approval is required under this Chapter, the Chief of Zoning must:
  - (1) Consider and act upon any request for approval;
  - (2) Consider such request with regard to matters and facts pertinent and applicable thereto; and
  - (3) Render a decision in accordance with the requirements, purpose, and intent of this Chapter.
- (c) *Administrative interpretations.*
  - (1) The Chief of Zoning may issue administrative interpretations on any provision of this Chapter.
  - (2) The Chief of Zoning must issue administrative interpretations in writing and must maintain such interpretations on file for public viewing.

#### **Sec. 25.3.1.6. Chief of Inspection Services.**

- (a) *Powers and duties.* The Chief of Inspection Services has all those powers and duties conferred and imposed upon it by this Chapter, including but not limited to:
  - (1) Coordinating the authorization by City departments for the issuance of permits under Chapter 5 of the City Code, including, but not limited to, occupancy permits; and
  - (2) Administering temporary use permits in accordance with Sec. 25.4.4.1.

### **Division 3.2. General Application Provisions**

#### **Sec. 25.3.2.1. Applicability.**

- (a) The provisions of this Division apply to applications for all procedures, approvals, and permits provided for in this Chapter, except as provided in Sec. 25.3.2.1.b.
- (b) The application and notification procedures contained in this Division do not apply to the following:
  - (1) Annexation process, as provided in Sec. 25.1.3.1;
  - (2) Zoning text amendments and zoning map amendments, as provided in Sec. 25.1.4.1 and Sec. 25.5.3.1, respectively;
  - (3) Applications for historic designation, pursuant to Sec. 25.11.1.2;
  - (4) Temporary use permits, as provided in Sec. 25.4.4.1;
  - (5) Fence permits, as provided in Sec. 25.4.4.2;
  - (6) Small shed permits, as provided in Sec. 25.4.4.3; and
  - (7) Sign permits, as provided in Sec. 25.4.4.4.

#### **Sec. 25.3.2.2. Filing application.**

- (a) *Authority to file.* The following persons may file an application under the provisions of this Chapter:
  - (1) The owner of record of the subject property;
  - (2) An authorized agent of the owner with written authorization to act on the owner's behalf; and
  - (3) A person who has a financial or fiduciary interest in the subject property or a contract purchaser with written authorization by the owner to act on the owner's behalf.
- (b) *Applications.*
  - (1) *Forms.* Applications must be submitted to the Chief of Zoning, unless otherwise provided, on forms provided by the City, and must contain such information as may be required by this Chapter and any applicable regulations or guidelines in the Development Review Manual or as adopted by the Mayor and Council.
  - (2) *Completeness of submission.* If the application is incomplete, the Chief of Zoning or Chief of Inspection Services, as applicable, must advise the applicant in writing as to the information needed to complete the application. In such case, the application may be returned to the applicant or the application may be retained and a date set by which the missing information must be provided. An application is deemed complete once all submission requirements are met.
  - (3) *Acceptance.* An application is accepted once it is deemed complete. Acceptance of an application does not constitute any indication of approval.
  - (4) *Fees.* Each application may be subject to a fee established by resolution of the Mayor and Council.

#### **Sec. 25.3.2.3. Modifying a pending application.**

- (a) Pending applications may be modified in consultation with the Chief of Zoning and in compliance with other requirements of this Chapter. The Chief of Zoning will determine whether the magnitude of a proposed modification warrants a change in scheduling, notification, data submission, or if a new application is required.
- (b) Notwithstanding the provisions of Sec. 25.3.2.3(a), above, if the application requires action by the Mayor and Council, Planning Commission, Board of Appeals, or Historic District Commission, the applicant cannot request a modification to the application after the staff report has been issued, but in no event later than seven days prior to the meeting at which the application will be considered by the Approving Authority.

#### **Sec. 25.3.2.4. Withdrawal of application.**

- (a) Once an application is filed, an applicant must submit revised plans or otherwise respond to any comments resulting from City staff review within six months of the date City staff transmits comments to the applicant, request an extension, or request that the review

process proceed. If the applicant does not respond, or the extension request is not granted by the Chief of Zoning, the application is deemed withdrawn.

**Sec. 25.3.2.5. Extension of expiration date.**

- (a) Excluding certificates of approval, the Chief of Zoning may extend the expiration date of any development approval subject to this Division by up to two years upon finding that the applicant has demonstrated good cause for the extension. The Chief of Zoning may approve no more than two such extensions. An applicant seeking to extend the expiration date of development approval subject to this Division by more than four years beyond the original expiration date must apply for an amendment to the development approval pursuant to Article 4.

**Sec. 25.3.2.6. Tolling of validity period.**

- (a) The validity period, including all extensions, of any development approval or related permit approval must be tolled during the pendency of any administrative appeals of the development approval or related permit approvals filed during the validity period. The tolling must start on the date a timely administrative appeal is filed. The tolling period must end on the date of the final action of the appellate body with ultimate jurisdiction.
- (b) For all approvals automatically tolled pursuant to Sec. 25.3.2.6(a), above, the remaining validity period and any extensions granted pursuant to this Division or otherwise provided by this Chapter must resume running after the end of the tolling period. The development approval must remain in full force and effect throughout the validity period, inclusive of all extensions and the tolling period. During this period, the applicant may implement the development approval, and the City must continue to process all other applications necessary to implement the development approval, unless otherwise directed by court order. Upon request, the Chief of Zoning must issue a confirmation letter to an applicant of any tolling of the validity period under this Section.

**Sec. 25.3.2.7. Abandonment of development approval.**

- (a) The owner of property subject to a valid and approved Project Plan, Site Plan, or Special Exception may seek to abandon such approval by filing a letter of abandonment with the Chief of Zoning. A letter of abandonment must be signed by all owners of property subject to the approval. An approval may only be abandoned if the approval has not been implemented, either through start of construction or issuance of an occupancy permit. Upon receipt of a letter of abandonment of an eligible approval, the Chief of Zoning must confirm the abandonment in writing.

**Division 3.3. Notice Requirements**

**Sec. 25.3.3.1. Applicability.**

- (a) The provisions of this Division apply to applications for all procedures, approvals, and permits provided for in this Chapter, except as otherwise provided below.

- (b) Except as otherwise provided in this Chapter, the application and notification procedures contained in this Division do not apply to the following:
  - (1) Annexation process, as provided in Sec. 25.1.3.1;
  - (2) Zoning text amendments and zoning map amendments, as provided in Sec. 25.1.4.1 and Sec. 25.5.3.1, respectively;
  - (3) Applications for historic designation, pursuant to Sec. 25.11.1.2;
  - (4) Temporary use permits, as provided in Sec. 25.4.4.1;
  - (5) Fence permits, as provided in Sec. 25.4.4.2;
  - (6) Small shed permits, as provided in Sec. 25.4.4.3; and
  - (7) Sign permits, as provided in Sec. 25.4.4.4.

**Sec. 25.3.3.2. General notice requirements.**

- (a) All notices required under this Chapter must comply with the provisions of this Chapter and any greater notice requirements imposed by State law, if applicable.
- (b) Unless otherwise specified in this Chapter, all notices must:
  - (1) Include the name of the applicant and the application number;
  - (2) Identify the date, time, and place of any scheduled area meeting and public hearing or meeting of an Approving Authority;
  - (3) If applicable, describe the property involved in the application by street and street number or, if no street name or number is available, by another general location description;
  - (4) Indicate the nature, scope, and purpose of the application;
  - (5) Indicate how interested parties may be heard or otherwise submit their comments on the application; and
  - (6) Indicate where additional information on the matter may be obtained.

**Sec. 25.3.3.3. Written notice.**

- (a) *Applicability and timing.* Written notice of an application subject to this Section must be provided as follows:
  - (1) At least two weeks before any meeting of the Development Review Committee;
  - (2) At least two weeks before any area meetings required under the provisions of Article 4;
  - (3) At least two weeks before a public hearing held by the Planning Commission on a Project Plan application;
  - (4) At least two weeks before any public hearings held by an Approving Authority; and
  - (5) For any other matter as may be required by this Chapter or State law.

- (b) *Exceptions.* Written notice is not required for minor amendments to Project Plans or Site Plans.
- (c) *Recipients.* Written notice must be delivered, by hand delivery or first class mail, to the following parties:
  - (1) Each owner at the mailing address on the current tax assessment list;
  - (2) The resident at the property location address, if addresses are different on the tax roll; and
  - (3) Civic and homeowners' associations.
- (d) *Notice radius.* Written notice must be mailed to all recipients under Section 25.3.3.3(c), above, within the following distances of the property subject to the pending application:
  - (1) For a Project Plan application, 1,500 feet;
  - (2) For a Level 2 Site Plan application, 1,250 feet;
  - (3) For a Level 1 Site Plan application, 750 feet;
  - (4) For a minor or major subdivision application, 750 feet;
  - (5) For a Special Exception application, the area of notice is based on Section 25.4.1.3, Table 4.1.3-1, as follows:
    - A. For applications with zero to six points, 750 feet;
    - B. For applications with seven to 15 points, 1,250 feet; and
    - C. For applications with 16 or more points, 1,500 points;
  - (6) For a nonconforming alteration, 500 feet;
  - (7) For administrative adjustments, adjoining and confronting property owners only; and
  - (8) For all other applications subject to this Division, 500 feet.
- (e) *Electronic notice.* In addition to the mailed notice required by this Section, at least two weeks before a meeting of the Development Review Committee, an applicant must send electronic notice of a Level 2 Site Plan and Project Plan to all homeowners' associations and civic associations within the City, the Planning Commission, and the Mayor and Council.
- (f) *Affidavit required.* Excluding applications under Article 11, at least one week before any meeting for which the applicant is required to provide written notice, the applicant must file an affidavit stating that notice has been mailed or delivered in accordance with the requirements of this Section and must provide the Chief of Zoning with the mailing or delivery list.

#### **Sec. 25.3.3.4.      Application signs.**

- (a) Application signs must be posted in accordance with the following provisions.

- (1) *Application signs to be furnished by the City.* All required application signs will be prepared and furnished to the applicant by the Chief of Zoning within five business days of acceptance by the City of the complete application, unless otherwise specified in this Chapter.
- (2) *Posting.* Within three days after receiving the sign from the City, the applicant must erect and maintain the application sign on the property that is the subject of the application. Any application sign erected as required herein must be maintained and its content updated, at all times, by the applicant until final action by the Approving Authority on the application to which it pertains, and thereafter must be removed within seven days of the final action.
- (3) *Location of application sign.* Application signs required by this Section must be erected by the applicant as follows:
  - A. Within 10 feet of each boundary line that abuts a public or private road or street. If the property boundary line is more than 250 feet long, one sign is required every 500 feet.
  - B. If no public or private road abuts the site, the application sign must be placed facing in such manner as may be most readily seen by the public.
  - C. For any property that abuts I-270, the application sign must be placed at the principal entrance to the property.
  - D. Unlawful to remove or tamper with application sign. It is unlawful for any person to remove or tamper with any application sign erected under this Section during the period it is required to be maintained. Early removal or tampering is subject to the penalties established in Article 13.
- (4) *Affidavit required.*
  - A. On the day of the final public hearing on any application, the applicant must file an affidavit stating that all application signs required by this Section were continuously maintained in accordance with these requirements through the date of the final hearing.
  - B. If such application sign was not continuously maintained, the requirements of this Section will be deemed satisfied if the applicant provides an affidavit stating that following the erection of such sign:
    1. The property was inspected at least once per week, and that on every occasion through the date of the affidavit, such sign was found to be in place; or
    2. If such sign was damaged, destroyed, or removed, that such sign was repaired or replaced within five days of the inspection which resulted in discovery of the damage to or destruction or removal of such sign.

#### **Sec. 25.3.3.5. Notice of decision.**

- (a) Copies of all decisions made pursuant to this Chapter must be provided by the Approving Authority within 10 days after the decision is rendered via written notice by first class mail to the applicant or petitioner and to any other party of record, unless such party requests an e-mail notification in lieu of first class mailing.
- (b) A copy of the notification must be made a part of the official record.

#### **Sec. 25.3.3.6. Defects not jurisdictional.**

- (a) Failure to comply with any of the requirements of this Division, except for those requirements imposed by State law, is not a jurisdictional defect.

### **Division 3.4. Appeals**

#### **Sec. 25.3.4.1. Appeals.**

- (a) *Appeals from decisions of administrative bodies.* Any person aggrieved by a final decision of the Mayor and Council, Planning Commission, Board of Appeals, or Historic District Commission, including adjudication of an appeal of a decision of the Chief of Zoning, may appeal the same by filing a petition for judicial review in the Circuit Court for Montgomery County, Maryland, pursuant to Title 7, Chapter 200 of the Maryland Rules.
- (b) *Appeals from decisions of the Chief of Zoning.*
  - (1) *Decisions and administrative interpretations.* Any person aggrieved by a final decision of the Chief of Zoning may appeal the decision to the Board of Appeals, except as follows:
    - A. *Project Plan.* Any person aggrieved by a final decision of the Chief of Zoning on a minor amendment to a Project Plan may appeal the decision to the Mayor and Council.
    - B. *Site Plan.* Any person aggrieved by a final decision of the Chief of Zoning on a Level 1 Site Plan or a minor amendment to a Site Plan may appeal the decision to the Planning Commission.
    - C. *Minor subdivision.* Any person aggrieved by a final decision of the Chief of Zoning on a minor subdivision may appeal the decision to the Planning Commission.
    - D. *Administrative interpretations of development approvals.* Any person aggrieved by an administrative interpretation issued by the Chief of Zoning regarding an approval issued by another Approving Authority may appeal the administrative interpretation to the Approving Authority that issued the approval.
  - (2) *Procedure.*
    - A. *Timing.* An appeal of a final decision of the Chief of Zoning must be filed in writing with the Chief of Zoning within 30 days of the date on the official letter of

notification of the decision or the date of the administrative interpretation, as applicable.

- B. *Public hearing.* Upon receipt of the written notice of appeal, the Chief of Zoning must schedule a public hearing on the appeal as soon as practicable with the appropriate Approving Authority.
  - C. *Effect of appeal.* An appeal of a final decision of the Chief of Zoning filed under this section invalidates said decision, and the Approving Authority shall consider the matter de novo, pursuant to the standards and requirements of this Chapter and applicable law.
- (c) *Appeals from decisions of the Chief of Inspection Services.* A person aggrieved by a final decision of the Chief of Inspection Services on a temporary use permit may appeal the decision to the Board of Appeals.
  - (d) *Time limit for appeals.* The time limitation for filing an appeal of the final decision of an Approving Authority runs from the date of the letter providing the notification of the decision or, in the case of a resolution or ordinance, from the date of the adoption of the resolution or ordinance.

## **Article 4. Development Applications, Permits, & Procedures**

### **Division 4.1. Project Plans and Site Plans**

#### **Sec. 25.4.1.1. Newspaper notice.**

- (a) Where required by law, the City must cause notice to be published in a newspaper of general circulation in accordance with this Chapter or State law, as applicable.

#### **Sec. 25.4.1.2. Applicability.**

- (a) This Division applies to all development, except:
- (1) A major or minor amendment under Article 4, Division 4.2;
  - (2) Construction, alteration, or relocation of no more than one single unit detached dwelling or one duplex or triplex building and related accessory uses;
  - (3) A change of use requiring a temporary use permit issued by the Chief of Inspection Services;
  - (4) Construction of a shed, fence, or sign;
  - (5) The following activities when they are not associated with any other development activities:
    - A. Grading;
    - B. Clearing;
    - C. Work within the public right-of-way;
    - D. Underground utility work;
    - E. Regular building or property maintenance that does not require a building permit; and
    - F. Work requiring a building permit that does not involve exterior changes to a building or the site.

#### **Sec. 25.4.1.3. Approval required.**

- (a) *Types of approvals.* A development subject to this Division requires approval of a Level 1 Site Plan, a Level 2 Site Plan, or both a Project Plan and a Level 1 Site Plan, based on the intensity of the development and the requirements of this Division.
- (b) *Application review table.*
- (1) Except as otherwise provided in this Division, a development is evaluated on the acreage of the subject site and the projected number of dwelling units, non-residential square footage, residential impact area, and traffic impact. Each of these items is allocated points, which are added together to determine the total points of a proposed development. The total points determine which approvals are necessary, as follows:

- A. 0 to 6 points: Level 1 Site Plan only.
- B. 7 to 15 points: Level 2 Site Plan only.
- C. 16 or more points: Project Plan followed by Level 1 Site Plan. Where a proposed amendment to an existing development requires a new application under Sec. 25.4.2.1(a)(1), the point total is calculated only on the net new dwelling units and gross floor area.

**Table 4.1.3-1: Application Review Table**

| Elements                                                                                                                                                                                        | Points                        |                            |                            |                           |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------|----------------------------|---------------------------|----------------------------|
|                                                                                                                                                                                                 | 0                             | 1                          | 2                          | 3                         | 4                          |
| Site size in acres                                                                                                                                                                              | N/A                           | 1.0 or fewer               | 1.1 to 2.5                 | 2.6 to 5.0                | 5.1 or greater             |
| Net new dwelling units                                                                                                                                                                          | 0                             | 1 to 19                    | 20 to 50                   | 51 to 150                 | 151 or greater             |
| Net new square footage of nonresidential space                                                                                                                                                  | 0                             | 5,000 sq. ft. or fewer     | 5,001 to 25,000 sq. ft.    | 25,001 to 100,000 sq. ft. | 100,001 sq. ft. or greater |
| Proximity to land that is in a residential zone pursuant to Sec. 25.5.1.1, Table 5.1.1-1, except the RMD-25 and RHD, and developed with single-unit detached, townhouse, or multiplex dwellings | No residential within 500 ft. | Residential within 500 ft. | Residential within 100 ft. | Confronting residential   | Adjacent to residential    |
| Net new peak hour trips                                                                                                                                                                         | 0 or negative                 | 1 to 29 trips              | 30 to 74 trips             | 75 to 149 trips           | 150 trips or greater       |

#### **Sec. 25.4.1.4. Project Plan.**

- (a) *Application required.* The following developments must receive Project Plan approval:
  - (1) An application generating 16 or more total points under Sec. 25.4.1.3, Table 4.1.3-1;
  - (2) An application for a Champion Project; and
  - (3) An application including property subject to a pending annexation petition.
- (b) *Approving Authority.* The Mayor and Council is the Approving Authority for Project Plans.

- (c) *Level 1 Site Plan required.* All development subject to Project Plan approval must receive Level 1 Site Plan approval after Project Plan approval and before issuance of any building permits. An application for a Level 1 Site Plan may be submitted concurrently with a Project Plan application.
- (d) *Application process.*
  - (1) *Application.* The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.
  - (2) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.
  - (3) *Area meeting.* After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments.
  - (4) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee.
  - (5) *Planning Commission meeting.* After the Development Review Committee meeting, the Planning Commission must hold a public hearing on the application and prepare and transmit any comments or recommendations on the application to the Mayor and Council.
- (e) *Public hearing.* After the Planning Commission hearing, the Mayor and Council must hold a public hearing on a Project Plan application before approving or denying the application.
- (f) *Findings.* The Mayor and Council may only approve a Project Plan application if it finds that the application:
  - (1) Is consistent with the Plan;
  - (2) Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and
  - (3) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.
- (g) *Approval conditions.* The Mayor and Council may condition its approval of a Project Plan application on any conditions the Mayor and Council deems necessary to make the findings in Sec. 25.4.1.4(f).
- (h) *Decision by resolution.* After the public hearing, the Mayor and Council must approve or deny a Project Plan application by resolution.
- (i) *Preliminary plan of subdivision.* Approval of a Project Plan application also serves as approval of a preliminary plan of subdivision.
- (j) *Expiration.* A Project Plan approval expires if start of construction on all phases of the approved Project Plan has not commenced pursuant to validly issued building permits within five years of Project Plan approval or by an alternative expiration date approved by

the Mayor and Council, if applicable. The approval does not expire with respect to those phases of the Project Plan for which construction has commenced. If the Mayor and Council approves a Project Plan expiration date that is different than that described in this Section, the resolution of approval may include a schedule by which construction on all phases of the Project Plan must begin.

#### **Sec. 25.4.1.5. Level 2 Site Plan.**

- (a) *Application required.* A development generating seven to 15 total points under Sec. 25.4.1.3, Table 4.1.3-1 must receive approval of a Level 2 Site Plan, unless approval of a Project Plan is otherwise required, before issuance of any building permits.
- (b) *Exceptions.* Notwithstanding Sec. 25.4.1.5(a), the following developments generating seven to 15 total points under Sec. 25.4.1.3, Table 4.1.3-1 are not subject to Level 2 Site Plan approval:
  - (1) A development subject to Project Plan approval pursuant to Sec. 25.4.1.4(a)(2) or (3); and
  - (2) A development subject to Level 1 Site Plan approval pursuant to Sec. 25.4.1.6(a)(2).
- (c) *Approving Authority.* The Planning Commission is the Approving Authority for Level 2 Site Plans.
- (d) *Application process.*
  - (1) *Application.* The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.
  - (2) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.
  - (3) *Area meeting.* After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments.
  - (4) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee.
- (e) *Public hearing.* After the Development Review Committee meeting, the Planning Commission must hold a public hearing on a Level 2 Site Plan application before approving or denying the application.
- (f) *Findings.* The Planning Commission may only approve a Level 2 Site Plan application if it finds that the application:
  - (1) Is consistent with the Plan;
  - (2) Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and
  - (3) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.

- (g) *Approval conditions.* The Planning Commission may condition its approval of a Level 2 Site Plan application on any condition the Planning Commission deems necessary to make the findings in Sec. 25.4.1.5(f).
- (h) *Decision by resolution.* After the public hearing, the Planning Commission must approve or deny a Level 2 Site Plan application by resolution.
- (i) *Preliminary plan of subdivision.* Approval of a Level 2 Site Plan application also serves as approval of a preliminary plan of subdivision.
- (j) *Expiration.* A Level 2 Site Plan expires if start of construction has not commenced pursuant to a validly issued building permit within five years of Level 2 Site Plan approval or by an alternative expiration date approved by the Planning Commission, if applicable.

#### **Sec. 25.4.1.6. Level 1 Site Plan.**

- (a) *Application required.* The following developments must receive Level 1 Site Plan approval:
  - (1) A development generating zero to six total points under Sec. 25.4.1.3, Table 4.1.3-1; and
  - (2) The following developments generating seven to 15 total points under Sec. 25.4.1.3, Table 4.1.3-1:
    - A. Research and development uses in the MXE zone;
    - B. The conversion of nonresidential uses to residential use where recommended by the Plan;
    - C. Residential developments proposing 20 percent or greater Moderately Priced Dwelling Units;
    - D. Housing for senior adults and persons with disabilities;
    - E. Residential developments with 19 or fewer dwelling units; and
    - F. Development in the MXTD, MXCD, MXCT, MXE, or MXB zones when the limits of disturbance of the development are at least 300 feet from any lot improved with single-unit detached, townhouse, or multiplex uses, as measured from the nearest property line, or are separated from such uses by one of the following transportation rights-of-way: I-270, Shady Grove Road, Twinbrook Parkway, MD-355, MD- 586, or the Metro/CSX rail.
- (b) *Approving Authority.* The Chief of Zoning is the Approving Authority for Level 1 Site Plans.
- (c) *Application process.*
  - (1) *Application.* The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.
  - (2) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

- (3) *Area meeting.* After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments, except as provided in Sec. 25.4.1.5(c)(5).
  - (4) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee, except as provided in Sec. 25.4.1.5(c)(5).
  - (5) *Level 1 Site Plan implementing previously approved plan.* An applicant for a Level 1 Site Plan implementing an approved Project Plan, Planned Development, or Special Exception is not required to meet with the Development Review Committee or hold an area meeting.
- (d) *Findings.* The Chief of Zoning may only approve a Level 1 Site Plan application upon finding that the application:
- (1) Is consistent with any applicable Project Plan, Planned Development, or Special Exception;
  - (2) Is consistent with the Plan;
  - (3) Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and
  - (4) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.
- (e) *Approval conditions.* The Chief of Zoning may condition approval of a Level 1 Site Plan on any condition the Chief of Zoning deems necessary to support the findings in Sec. 25.4.1.6(d).
- (f) *Decision by letter.* The Chief of Zoning must approve or deny a Level 1 Site Plan by dated letter. The Chief of Zoning must transmit a copy of the letter to the Planning Commission as well as all parties entitled to notification of the decision under Sec. 25.3.3.5.
- (g) *Aggrieved parties.* The Chief of Zoning's decision letter must state that any aggrieved party may, within 15 days of the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received within 15 days of the date of decision letter, the decision of the Chief of Zoning will become void and the Level 1 Site Plan application will be referred to the Planning Commission to conduct a public hearing and render a decision based on the findings in Sec. 25.4.1.6(d).
- (h) *Preliminary plan of subdivision.* Approval of a Level 1 Site Plan application not implementing a previously approved Project Plan or Planned Development also serves as approval of a preliminary plan of subdivision.

- (i) *Expiration.* A Level 1 Site Plan expires if start of construction has not commenced pursuant to a validly issued building permit within five years of Level 1 Site Plan approval.

## **Division 4.2. Amendments to Project Plans, Site Plans, and Planned Developments**

### **Sec. 25.4.2.1. Application and review.**

- (a) *In general.* An application to amend any previously approved Project Plan, Planned Development, Level 2 Site Plan, Level 1 Site Plan, or equivalent approval must be filed with the Chief of Zoning in accordance with this Division.
  - (1) *New application required.* An application that disturbs more than 50 percent of the total site area of a property subject to an approved Project Plan, Level 2 Site Plan, Level 1 Site Plan, or equivalent approval may not be submitted as an amendment to the original approval, but requires the filing of a new Project Plan, Level 2 Site Plan, or Level 1 Site Plan, as applicable.
  - (2) If a new application is required under this Section, the entire site, including but not limited to all existing buildings, structures, and facilities, must be brought into compliance with the current development standards of this Chapter.
- (b) *Scope of review.* The scope of an Approving Authority's review for an amendment submitted under this Division shall be limited to those aspects of an existing development that are directly related to or affected by the proposed amendment.

### **Sec. 25.4.2.2. Minor amendment.**

- (a) *Minor amendment required; Level 1 Site Plan.* A minor amendment is required for any amendment to a Level 1 Site Plan.
- (b) *Minor amendment required; Project Plan and Level 2 Site Plan.* A minor amendment is required to amend a Project Plan, Level 2 Site Plan, or equivalent development when:
  - (1) The application reduces the size or scale of the approved development or does not deviate substantially from the terms, conditions, or intent of the original approval, including, but not limited to, minor adjustments to site engineering, parking (including the addition of electric vehicle charging stations or solar canopies over existing parking), loading areas, landscaping, sidewalks, recreational areas, and public use space; or
  - (2) The application meets the following criteria:
    - A. The application does not result in a substantial change to more than 20 percent of the total site area of the original approval;
    - B. The application does not generate more than 29 new peak hour trips;
    - C. The application does not expand any existing nonconformity;

- D. The application does not result in an increase of more than 5,000 square feet or 20 percent of floor area, whichever is greater;
  - E. The limits of disturbance of the proposed development are at least 300 feet from any lot improved with single-unit detached, townhouse, or duplex uses, as measured from the nearest property line, or are separated from such uses by one of the following transportation rights-of-way: Interstate 270, MD 355, MD 586, or the Metro/CSX rail; and
  - F. The subject site is not in the Historic District Overlay zone.
- (c) *Minor amendment not required.* A minor amendment is not required for interior construction, routine landscaping, building maintenance, or the addition or relocation of minor appurtenances including, but not limited to, bicycle racks, benches, pergolas, emergency generators, transformers, refrigeration equipment, trash enclosures, sidewalks and small storage sheds, as long as such addition or relocation does not alter the basic elements of the original approval or cause a safety hazard.
  - (d) *Approving authority.* The Chief of Zoning is the Approving Authority for minor amendments.
  - (e) *Application process.*
    - (1) *Application.* The applicant must file an application for a minor amendment in accordance with Sec. 25.3.2.2.
    - (2) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.
  - (f) *Findings.* The Chief of Zoning may only approve a minor amendment upon finding that the application:
    - (1) Is consistent with the criteria in Sec. 25.4.2.2(b);
    - (2) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.
  - (g) *Approval conditions.* The Chief of Zoning may condition approval of a minor amendment on any condition the Chief of Zoning finds necessary to support the findings in Sec. 25.4.2.2(f).
  - (h) *Decision by letter.* The Chief of Zoning must approve or deny a minor amendment by dated letter. The Chief of Zoning must transmit a copy of the letter to the Approving Authority of the approval subject to the amendment as well as all parties entitled to notification of the decision under Sec. 25.3.3.5.
  - (i) *Aggrieved parties.* The Chief of Zoning's decision letter must state that any aggrieved party may, within 15 days of the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received within 15 days of the date of decision letter, the decision of the Chief of Zoning will become void, and the minor amendment application will be referred to the

Approving Authority of the approval subject to the amendment to conduct a public hearing and render a decision based on the findings in Sec. 25.4.2.2(f).

- (j) *Expiration.* A minor amendment expires if start of construction has not commenced pursuant to a validly issued building permit within five years of minor amendment approval.

#### **Sec. 25.4.2.3. Major amendment.**

- (a) *Major amendment required.* A major amendment is required to amend a Project Plan, Level 2 Site Plan, or equivalent approval when the Chief of Zoning determines that the application is not eligible for a minor amendment under Sec. 25.4.2.2.
- (b) *Application process and findings; Project Plan.* A major amendment to a Project Plan is subject to the procedures, requirements, and findings in Sec. 25.4.1.4. A major amendment to a Project Plan must receive Level 1 Site Plan approval after approval of the major amendment and before issuance of any building permits. An application for a Level 1 Site Plan may be submitted concurrently with the major amendment application.
- (c) *Application process and findings; Level 2 site plan.* A major amendment to a Level 2 Site Plan or equivalent approval is subject to the procedures, requirements, and findings in Sec. 25.4.1.5.

#### **Sec. 25.4.2.4. Planned Development amendment.**

- (a) *Planned Development amendment required.* The following changes to a Planned Development require Mayor and Council approval of an amendment to the Planned Development governing documents:
  - (1) Any increase in the maximum number of dwelling units or maximum gross square footage of nonresidential development beyond what is authorized in the Planned Development governing documents or the Planned Development's equivalent zone;
  - (2) Any increase in maximum building heights beyond what is authorized in the Planned Development governing documents or the Planned Development's equivalent zone;
  - (3) The addition of new uses not approved in the Planned Development governing documents or permitted in the Planned Development's equivalent zone;
  - (4) A major relocation of public or private streets; and
  - (5) A material reduction in the cumulative amount of public or private open space.
- (b) *Amendment not required.* Any development within a Planned Development zone that does not meet the criteria for an amendment under Sec. 25.4.2.4(a) may proceed without a Planned Development amendment, subject to approval of all other plans and permits required by this Chapter and the City Code.
- (c) *Application process and findings.* A Planned Development amendment is subject to the procedures, requirements, and findings in Sec. 25.4.1.4. A Planned Development amendment must receive Level 1 Site Plan approval after approval of the amendment and

before issuance of any building permits. An application for a Level 1 Site Plan may be submitted concurrently with the Planned Development amendment application.

- (d) *Expiration.* A Planned Development amendment expires if start of construction has not commenced pursuant to a validly issued building permit within five years of Planned Development approval.

#### **Sec. 25.4.2.5. Change of use; amendment not required.**

- (a) *Amendment not required.* Before issuance of any building permits, the Chief of Zoning may approve a change of use approved by a Project Plan, Level 2 Site Plan, or Level 1 Site Plan without a major or minor amendment, where the change of use:
  - (1) Is the only proposed change to the Project Plan or site plan;
  - (2) Does not require any change in the physical elements of the site that would otherwise require a major or minor amendment;
  - (3) Does not increase impact on transportation infrastructure, schools, water and sewer infrastructure, or other public facilities; and
  - (4) Is consistent with this Chapter and all applicable laws and regulations.
- (b) *Notice.* Notice is not required for a change of use under this Section.
- (c) *Letter of approval.* The Chief of Zoning must approve or deny a change of use under this Section by dated letter.
- (d) *Other approvals required.* In addition to approval of a change of use under this Section, an applicant must also receive approval of an occupancy permit and any other permits or approvals required by this Chapter and other applicable law.

### **Division 4.3. Special Exceptions**

#### **Sec. 25.4.3.1. Application required.**

- (a) A person must receive approval of a Special Exception before putting land, property, or a structure to a use identified in this Chapter as requiring Special Exception approval. A proposed Special Exception may also require approval of a Project Plan, Level 2 Site Plan, Level 1 Site Plan, or an amendment thereto, if it includes development subject to Division 1 of this Article.

#### **Sec. 25.4.3.2. Approving Authority.**

- (a) The Board of Appeals is the Approving Authority for Special Exceptions and amendments thereto, except as provided in Sec. 25.4.3.6(c).

#### **Sec. 25.4.3.3. Application process.**

- (a) *Application.* The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.
- (b) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

- (c) *Area meeting.* After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments.
- (d) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee.

#### **Sec. 25.4.3.4. Approval process.**

- (a) *Public hearing.* The Board of Appeals must hold a public hearing on a Special Exception application before approving or denying the application.
- (b) *Findings.* The Board of Appeals may only approve a Special Exception application if it finds that:
  - (1) The proposed use is consistent with the Plan, this Chapter, and all other applicable law; and
  - (2) The proposed use at the location selected will not:
    - A. Adversely affect the health and safety of residents or workers in the area;
    - B. Overburden existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted adequate public facilities standards;
    - C. Be detrimental to the use or development of adjacent properties or the neighborhood;
    - D. Change the character of the neighborhood in which the use is proposed, considering services currently provided, population density, character, and number of similar uses; and
    - E. Constitute a nuisance because of noise, traffic, number of people, or type of physical activity.
- (c) *Approval conditions.* The Board of Appeals may condition its approval of a Special Exception on any conditions necessary to support the findings in Sec. 25.4.3.4(b).
- (d) *Decision by resolution.* After the public hearing, the Board of Appeals must approve or deny a Special Exception application by resolution.

#### **Sec. 25.4.3.5. Expiration.**

- (a) *No expiration.* Unless an expiration date is established as a condition of Special Exception approval, a Special Exception does not expire. Any use governed by a Special Exceptions approval is deemed conforming for the life of the Special Exception.

#### **Sec. 25.4.3.6. Amendments.**

- (a) *Amending a Special Exception.* The operator of a Special Exception or the owner of the subject site may file an application to amend the terms or conditions of the Special Exception.
- (b) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

(c) *Minor amendment.*

- (1) *Chief of Zoning approval.* If, in the opinion of the Chief of Zoning, the proposed amendment to the terms or conditions does not substantially change the nature, character, or intensity of the use or substantially change the effect of traffic from the use on the immediate neighborhood, the Chief of Zoning may amend the Special Exception upon finding that the amendment conforms to the findings in Sec. 25.4.3.4(b).
- (2) *Decision.* The Chief of Zoning must approve or deny a minor amendment by dated letter. The Chief of Zoning must transmit a copy of the letter to the holder of the Special Exception, the Board of Appeals, and all parties entitled to notice in accordance with Sec. 25.3.3.5.
- (3) *Aggrieved party.* The Chief of Zoning's decision letter must state that any aggrieved party may, within 15 days after the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received, the decision of the Chief of Zoning will become void and the minor amendment application will be referred to the Board of Appeals to conduct a public hearing and render a decision based on the findings in Sec. 25.4.3.4(b).

(d) *Major amendment.*

- (1) *Board of Appeals approval.* If, in the opinion of the Chief of Zoning, the proposed amendment is not eligible for a minor amendment, the Board of Appeals must hold a public hearing to consider the proposed amendment.
- (2) *Public hearing.* The Board of Appeals must hold a public hearing on a major amendment application before approving or denying the application. The scope of a public hearing on a major modification is limited to the following:
  - A. The proposed amendment as set forth in the application; and
  - B. Those aspects of the Special Exception use that are directly related to, or affected by, the proposed amendment.
- (3) *Additional considerations for certain expansions.* Notwithstanding the provisions of Sec. 25.4.3.6(d)(2), the Board of Appeals must consider all aspects of the Special Exception if the amendment proposes an expansion of the total floor area of all structures or buildings by more than 25 percent, or 7,500 square feet, whichever is less.
- (4) *Findings.* The Board of Appeals may only approve a major amendment if it finds that the amendment conforms to the findings in Sec. 25.4.3.4(b).
- (5) *Approval conditions.* The Board of Appeals may condition its approval of a major amendment on any conditions necessary to support the findings in Sec. 25.4.3.4(b).

- (6) *Decision.* The Board of Appeals must approve or deny a major amendment by resolution.

## **Division 4.4. Permits**

### **Sec. 25.4.4.1. Temporary use permit.**

- (a) *Permit required.* Before using a building, structure, or land in a manner allowed as a temporary use and listed in Sec. 25.6.8.4, a person must receive a temporary use permit.
- (b) *Exceptions.* A temporary use permit is not required for uses regulated by Chapter 12.
- (c) *Issuance.* The Chief of Inspection Services may issue a temporary use permit upon finding that the use proposed by the application will not:
  - (1) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
  - (2) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; or
  - (3) Constitute a violation of any provision of this Chapter or other applicable law.
- (d) *Expiration.* A temporary use permit must include an expiration date consistent with the requirements of Sec. 25.6.8.4.

### **Sec. 25.4.4.2. Fence permit.**

- (a) *Required.* Before constructing a fence, a person must receive approval of a fence permit from the Chief of Zoning.
- (b) *Issuance.* The Chief of Zoning must issue a fence permit upon finding that the proposed fence is consistent with the requirements of this Chapter.

### **Sec. 25.4.4.3. Small shed permit.**

- (a) *Required.* Before constructing an enclosed structure of 200 square feet or less on a single-unit detached, townhouse, or multiplex lot, a person must receive approval of a small shed permit from the Chief of Zoning.
- (b) *Issuance.* The Chief of Zoning must issue a small shed permit upon finding that the proposed structure is consistent with the requirements of this Chapter.

### **Sec. 25.4.4.4. Sign permit.**

- (a) *Required.* Before installing, erecting, illuminating, or modifying a sign, a person must receive approval of a sign permit from the Chief of Zoning.
- (b) *Exceptions.* A sign permit under Chapter 25 is not required for:
  - (1) Signs specifically exempt under Article 10;
  - (2) Signs within the public right-of-way, which are subject to the requirements of Chapter 21 of City Code;

- (3) The installation or erection of an A-frame sign;
  - (4) The installation or erection of a temporary freestanding sign on an individual residential lot or a lot containing a multiplex or apartment with up to 10 dwelling units; or
  - (5) The maintenance or repair of an existing, permitted sign, including but not limited to repainting, refacing, and electrical repairs.
- (c) *Review.* The Chief of Zoning must review and grant or deny a sign permit application in writing within 15 business days of receipt of a complete sign permit application, including the required fee.
  - (d) *Incomplete application.* If a sign permit application is returned to an applicant due to incompleteness, the Chief of Zoning must advise the applicant in writing as to the information needed to complete the application.
  - (e) *Issuance.* The Chief of Zoning must grant a sign permit upon finding that the sign meets all application requirements of Article 10 and, if applicable, any comprehensive sign plan for the site.

## **Division 4.5. Variances, Waivers, and Administrative Adjustments**

### **Sec. 25.4.5.1. Variances.**

- (a) *Authority.* The Board of Appeals may grant variances from the strict application of density, bulk, or area requirements of the development standards set forth in this Chapter.
- (b) *Application process.* Applications for variances must be submitted in accordance with Sec. 25.3.2.2.
- (c) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.
- (d) *Public hearing.* The Board of Appeals must hold a hearing on a variance application before approving or denying the application.
- (e) *Findings.* The Board of Appeals may only grant a variance if it finds that:
  - (1) The request for the variance is the result of conditions peculiar to the property and not the result of any action taken by the applicant;
  - (2) Literal enforcement of this Chapter would result in practical difficulty;
  - (3) The variance would not be contrary to the public interest; and
  - (4) The granting of the variance is not inconsistent with the purposes of this Chapter.
- (f) *Approval conditions.* The Board of Appeals may condition its approval of a variance application on any conditions it finds necessary to make the findings in Sec. 25.4.5.1(e).
- (g) *Decision by resolution.* After the public hearing, the Board of Appeals must approve or deny a variance application by resolution.

- (h) *Expiration.* A variance approval expires if an applicant has not secured all other necessary approvals and exercised the rights granted by approval of the variance within five years.

#### **Sec. 25.4.5.2.      Waivers.**

- (a) *Waivers associated with other applications.* An applicant seeking a waiver of the requirements of this Chapter that is associated with another development application under this Article, including, but not limited to, a Project Plan or a site plan, must incorporate the waiver request and any required justification in the associated application. The waiver will be approved or denied by the applicable Approving Authority as part of the associated application, unless this Chapter identifies another Approving Authority for the waiver.
- (b) *Standalone waivers.*
  - (1) *Application.* An applicant seeking a waiver of the requirements of this Chapter not associated with any other development application under this Article, or that must be approved by a different Approving Authority than the associated application, must submit a waiver application in accordance with Sec. 25.3.2.2.
  - (2) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.
  - (3) *Public hearing.* The Approving Authority must hold a public hearing on the waiver application before approving or denying the application.
  - (4) *Finding.* The Approving Authority may only approve a waiver application if it finds that the application conforms to the applicable waiver standards of this Chapter.
  - (5) *Approval conditions.* The Approving Authority may condition its approval of a waiver on any conditions it finds necessary to make the finding in Sec. 25.4.5.2(b)(4).
  - (6) *Decision by resolution.* After the public hearing, the Approving Authority must approve or deny a standalone waiver application by resolution.
  - (7) *Expiration.* A standalone waiver application expires if an applicant has not secured all other necessary approvals and exercised the rights granted by approval of the waiver within five years.

#### **Sec. 25.4.5.3.      Administrative adjustments.**

- (a) *Authority.* The Chief of Zoning may make administrative adjustments from the regulations of this Chapter as provided in this Section.
- (b) *Permitted administrative adjustments for residential uses in single dwelling unit residential zones.* The Chief of Zoning may grant an administrative adjustment from the regulations of this Chapter for residential uses in single dwelling unit residential zones, in accordance with the criteria established in this Section, for the following:
  - (1) *Setbacks.* To reduce the required yard setback by no more than 10 percent; and
  - (2) *Lot coverage.* To increase the lot coverage requirements by no more than 10 percent.

- (c) *Permitted administrative adjustments for non-residential uses in residential zones and all uses in residential medium density, industrial, mixed use, and special zones.* The Chief of Zoning may grant an administrative adjustment from the regulations of this Chapter for non-residential uses in residential zones and all uses in residential medium density, industrial, mixed use, and special zones, in accordance with the criteria established in this Section, for the following:
  - (1) *Setbacks.* To reduce the required yard setback by no more than 10 percent.
- (d) *Application.* Applications for administrative adjustments must be submitted and in accordance with Sec. 25.3.2.2.
- (e) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.
- (f) *Review procedures.* The following procedures apply to the review and consideration of an application for an administrative adjustment:
  - (1) *Staff review.* The Chief of Zoning, after having determined that the submission is complete, will distribute copies of the application to appropriate City departments for review.
  - (2) *Staff report.* Any City department reviewing the application will prepare staff comments on the application and transmit the comments to the Chief of Zoning.
- (g) *Review criteria and findings.* The Chief of Zoning may only grant an administrative adjustment upon making the following findings:
  - (1) *Property characteristics.* The adjustment is necessary due to the small size or configuration of the site or the characteristics of the improvements located thereon, such that the adjustment provides a solution to a hardship encountered in the use or development of the site.
  - (2) *Consistency with purpose.* The adjustment is not inconsistent with the purposes of this Chapter as set forth in Sec. 25.1.1.2.
  - (3) *Total cumulative adjustment.* The total cumulative adjustment to the regulation that is the subject of the application does not exceed the maximum allowable adjustment. This total cumulative adjustment is to be considered in connection with all adjustments made to the applicable property and not solely to the adjustments in connection with any single application for adjustment.

## Article 5. Zones & Zoning Map

### Division 5.1. Zones

#### Sec. 25.5.1.1. Establishment of zoning districts.

- (a) The City is divided into zoning districts, as listed in Table 5.1.1-1: Establishment of Zoning Districts.

*Table 5.1.1-1: Establishment of Zoning Districts*

| Category    | Zoning District                                 | Abbreviation                                 |
|-------------|-------------------------------------------------|----------------------------------------------|
| Residential | Residential 400                                 | R-400                                        |
|             | Residential 200                                 | R-200                                        |
|             | Residential 150                                 | R-150                                        |
|             | Residential 90                                  | R-90                                         |
|             | Residential 75                                  | R-75                                         |
|             | Residential 60                                  | R-60                                         |
|             | Residential 40                                  | R-40                                         |
|             | Residential Medium Density Infill               | RMD-Infill                                   |
|             | Residential Medium Density 10                   | RMD-10                                       |
|             | Residential Medium Density 15                   | RMD-15                                       |
|             | Residential Medium Density 25                   | RMD-25                                       |
|             | Residential High Density                        | RHD                                          |
| Industrial  | Industrial Light                                | I-L                                          |
|             | Industrial Heavy                                | I-H                                          |
| Mixed-Use   | Mixed-Use Transit District 235                  | MXTD-235                                     |
|             | Mixed-Use Transit District 200                  | MXTD-200                                     |
|             | Mixed-Use Transit District 85                   | MXTD-85                                      |
|             | Mixed-Use Corridor District                     | MXCD                                         |
|             | Mixed-Use Corridor Transition                   | MXCT                                         |
|             | Mixed-Use Neighborhood Commercial               | MXNC                                         |
|             | Mixed-Use Transition                            | MXT                                          |
|             | Mixed-Use Commercial                            | MXC                                          |
|             | Mixed-Use Employment                            | MXE                                          |
|             | Mixed-Use Business                              | MXB                                          |
| Special     | Park                                            | PARK                                         |
|             | Planned Development (multiple)                  | See Table 7.4.3-1: Planned Development Zones |
| Overlay     | Historic District                               | HD                                           |
|             | Lincoln Park Neighborhood Conservation District | LPNCD                                        |

## **Division 5.2. Zoning Map**

### **Sec. 25.5.2.1. Zoning map.**

- (a) The location and boundaries of zones established in the City are as shown on the map entitled "Zoning Map of the City of Rockville," adopted on [date of Comprehensive Map Amendment adoption] by Ordinance No. [XX] as may be amended. The maps, sections, notations, dimensions, designations, references, and other data shown on the map are hereby made a part of this Chapter.

### **Sec. 25.5.2.2. Boundaries of zones.**

- (a) Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules apply:
  - (1) Where zone boundaries are indicated as approximately following street or alley lines, proposed street lines, rapid transit, or railroad rights-of-way, the zoning boundaries are the centerline of those streets, alleys, or rights-of-way;
  - (2) Where zone boundaries are indicated as approximately following lot lines and are not more than 10 feet distant from the property lines of an unplatted property, such lot lines are the boundaries; and
  - (3) Where zoning boundaries are greater than 10 feet distant from the property lines of an unplatted property, or where a zone boundary divides an unplatted property, the location of any such zoning boundary is determined by use of the map scale shown on the map to the nearest foot, unless the boundary is indicated by dimensions on the map.

## **Division 5.3. Zoning Map Amendments.**

### **Sec. 25.5.3.1. Zoning map amendments.**

- (a) *Compliance required.* The zoning map cannot be amended except in compliance with the procedures set forth in this article and other applicable law.
- (b) *Types of applications.* An application may be filed for any of the following types of amendment to the zoning map:
  - (1) Local map amendment;
  - (2) Sectional map amendment; and
  - (3) Comprehensive map amendment.
- (c) *Applications.*
  - (1) *Authority to file.*
    - A. *Local map amendment.* An application for a local map amendment may be filed by any governmental agency or by a person with a financial, contractual, or proprietary interest in the property to be affected by the proposed amendment.

- B. *Sectional and comprehensive map amendments.* Except as otherwise set forth in this subsection, an application for a sectional or comprehensive map amendment may be filed only by the Planning Commission or the Mayor and Council. An application for a sectional map amendment may be filed by the Historic District Commission in the case of a proposed designation of property as historic under the provisions of Sec. 25.11.1.2.

(2) *Submission.*

- A. *General requirements.* An application for an amendment to the zoning map must be submitted to the City Clerk on forms approved by the Chief of Zoning and be accompanied by such fee as is determined by resolution of the Mayor and Council.
- B. *Complete application.* The application will not be deemed to be complete until all submission requirements have been met.

(3) *Local amendment applications.*

- A. *Limitation on successive applications.* The City Clerk must not accept for filing any application for a local amendment to the zoning map if the application is for the reclassification of the whole or any part of land, the reclassification of which has been approved or denied by the Mayor and Council on its merits within 12 months prior to the date of the application for filing.

(4) *Public notification of pending application.*

- A. *Notification requirements.* Notice must be provided in accordance with this Section.
- B. *Newspaper notification.* Publication in a newspaper of general circulation is required prior to a hearing in accordance with the requirements of State law.
- C. *Sign required.* In the case of a local amendment, the owners of the subject property must post an application sign or signs in accordance with Sec. 25.3.3.4.
- D. *Written notification to property owners.* The Chief of Zoning must mail notice of any public hearing on a map amendment application at least 15 days before the public hearing, as follows:
  - 1. *Local map amendment and sectional map amendment.* For a local map amendment or a sectional map amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and civic associations and homeowner's associations within 750 feet of the area proposed for rezoning.
  - 2. *Comprehensive map amendment.* In the case of a comprehensive map amendment, mailed notice is not required.

- (5) *Referring application to the Planning Commission.* The Chief of Zoning must transmit a copy of the application to the Planning Commission. The Commission may submit a written recommendation to the Mayor and Council
- (6) *Hearing on application.* No application made under this Section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.
- (7) *Action on application.*
- A. An application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.
  - B. An application may be dismissed if the Mayor and Council finds that it does not comply with any procedural requirements of this Chapter or other applicable law.
  - C. Adoption of an ordinance placing a site in the Historic District Overlay zone requires the unanimous vote of the Mayor and Council when the owner of the site has opposed the sectional map amendment in writing.
- (8) *Withdrawal of application.* An application for a local map amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council. The Mayor and Council may decline to permit the withdrawal and decide the application on its merits or may permit withdrawal subject to any reasonable condition including but not limited to, the imposition of a time limitation within which no subsequent application may be filed, the limitation not to exceed three years.
- (9) *Notification of decision.*
- A. Copies of all decisions made pursuant to this Section must be provided by the City Clerk within 10 days after the decision is rendered via written notice by first class mail to the applicant, if applicable, and to any other party of record, unless such party requests an e-mail notification in lieu of first class mailing.

## **Article 6. Uses & Use Standards**

### **Division 6.1. General Provisions**

#### **Sec. 25.6.1.1. General provisions.**

- (a) *Use categories.*
  - (1) There are six use categories which group like uses: Residential, Retail Sales and Services, Institutions and Public Uses, Industrial, Automotive, and Miscellaneous.
  - (2) When a use category is referenced in this Chapter, the use category applies to all uses found within that use category.
- (b) *Use definitions.*
  - (1) The definition of a use in this Article applies to that use term wherever it is used in this Chapter.
- (c) *Uses requiring a license.*
  - (1) When a use requires a license from the City, County, or State to operate, the use is allowed only when the license is in effect.
- (d) *Grandfathered uses.*
  - (1) Any use that conforms to the use requirements in effect immediately prior to [effective date of this Chapter] but no longer conforms to the use requirements of the zone in which it is located is deemed to be a conforming use.

Division 6.2. Use Table

Sec. 25.6.2.1. Classification of use permissions..

- (a) The use table identifies uses allowed in each zone. The key for this table is as follows:
- (1) *Permitted uses (P)*. A "P" indicates that the use is permitted if it meets the “Use Standards” listed in this Division.
  - (2) *Conditional uses (C)*. A "C" indicates that the use must meet the “Use Standards” and any applicable “Conditional Use Standards” listed in this Division.
  - (3) *Special Exception uses (S)*. An "S" indicates that the use must meet the “Use Standards” and “Special Exception Use Standards” listed in this Division. These uses also require the approval of a Special Exception in accordance with the applicable provisions of Article 4, Division 3.
  - (4) *Blank cells*. A blank cell indicates that a use is prohibited in the zone.

Sec. 25.6.2.2. Use table.

Table 6.2.2-1 Use Table

| Use<br>P = Permitted<br>C = Conditional<br>S = Special Exception<br>Blank = Prohibited | Use<br>Definition<br>and<br>Standards | R-400 | R-200 | R-150 | R-90 | R-75 | R-60 | R-40 | RMD-Infill | RMD-10 | RMD-15 | RMD-25 | RHD | I-L | I-H | All MXTD Zones* | MXCD | MXCT | MXNC | MXC | MXT | MXE | MXB | PARK |
|----------------------------------------------------------------------------------------|---------------------------------------|-------|-------|-------|------|------|------|------|------------|--------|--------|--------|-----|-----|-----|-----------------|------|------|------|-----|-----|-----|-----|------|
| Residential Uses                                                                       |                                       |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| Apartment                                                                              | Sec. 25.6.3.1                         | C     | C     | C     | C    | C    | C    | C    | C          | P      | P      | P      | C   |     |     | P               | P    | P    | P    | C   | C   | C   | P   |      |
| Child Care Home (Up to 8 Children)                                                     | Sec. 25.6.3.2                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Cottage Court                                                                          | Sec. 25.6.3.3                         | C     | C     | C     | C    | C    | C    | C    | P          | P      | P      | P      | P   |     |     |                 |      |      |      |     |     |     |     |      |
| Dwelling, Single-Unit Detached                                                         | Sec. 25.6.3.4                         | P     | P     | P     | P    | C    | C    | C    | C          | C      | C      | C      |     |     |     | C               | C    | C    | C    | C   | C   | C   | C   |      |
| Dwelling Unit, Accessory                                                               | Sec. 25.6.3.5                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   |     |     | C               | P    | P    | P    | P   | P   | P   | P   |      |
| Group Home, Large                                                                      | Sec. 25.6.3.6                         | C     | C     | C     | C    | C    | C    | C    | C          | P      | P      | P      | P   |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |

| Use<br>P = Permitted<br>C = Conditional<br>S = Special Exception<br>Blank = Prohibited | Use Definition and Standards | R-400 | R-200 | R-150 | R-90 | R-75 | R-60 | R-40 | RMD-Infill | RMD-10 | RMD-15 | RMD-25 | RHD | I-L | I-H | All MXTD Zones* | MXCD | MXCT | MXNC | MXC | MXT | MXE | MXB | PARK |
|----------------------------------------------------------------------------------------|------------------------------|-------|-------|-------|------|------|------|------|------------|--------|--------|--------|-----|-----|-----|-----------------|------|------|------|-----|-----|-----|-----|------|
| Group Home, Small                                                                      | Sec. 25.6.3.7                | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Housing for Senior Adults and Persons with Disabilities                                | Sec. 25.6.3.8                | C     | C     | C     | C    | C    | C    | C    | C          | C      | P      | P      | P   |     |     | P               | P    | P    | P    | C   | C   | P   | C   |      |
| Life Care Facility                                                                     | Sec. 25.6.3.9                | C     | C     | C     | C    | C    | C    | C    | C          | C      | C      | C      | C   |     |     | P               | P    | P    | C    |     | C   | P   | C   |      |
| Live/Work Unit                                                                         | Sec. 25.6.3.10               |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Multiplex                                                                              | Sec. 25.6.3.11               | C     | C     | C     | C    | C    | C    | C    | C          | P      | P      | P      | P   |     |     | P               | P    | P    | P    | C   | P   | C   | P   |      |
| Personal Living Quarters                                                               | Sec. 25.6.3.12               |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | P    |     | P   | P   | P   |      |
| Townhouse                                                                              | Sec. 25.6.3.13               | C     | C     | C     | C    | C    | C    | C    | P          | P      | P      | P      | P   |     |     | P               | P    | P    | P    |     | C   | C   | P   |      |
| Retail and Service Uses                                                                |                              |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| Adult-Oriented Establishment                                                           | Sec. 25.6.4.1                |       |       |       |      |      |      |      |            |        |        |        |     | S   |     |                 |      |      |      |     |     |     |     |      |
| Alcoholic Beverage Production, Limited                                                 | Sec. 25.6.4.2                |       |       |       |      |      |      |      |            |        |        |        |     | C   | P   | C               | C    | C    | C    |     |     | C   | C   |      |
| Alcoholic Beverage Retail Establishment                                                | Sec. 25.6.4.3                |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | C    | C    | C   | C   | P   |     |      |
| Ambulance Service                                                                      | Sec. 25.6.4.4                |       |       |       |      |      |      |      |            |        |        |        |     | C   |     |                 | P    | C    | C    | C   |     | P   | C   |      |
| Animal Boarding Establishment                                                          | Sec. 25.6.4.5                |       |       |       |      |      |      |      |            |        |        |        |     | P   | P   | C               | C    | C    | C    | C   | C   | C   | C   |      |
| Animal Grooming Establishment                                                          | Sec. 25.6.4.6                |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Auctioneer or Commercial Gallery                                                       | Sec. 25.6.4.7                |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Bank or Financial Institution                                                          | Sec. 25.6.4.8                |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Bed and Breakfast                                                                      | Sec. 25.6.4.9                | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Cannabis Dispensary                                                                    | Sec. 25.6.4.10               |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |

| Use<br>P = Permitted<br>C = Conditional<br>S = Special Exception<br>Blank = Prohibited | Use<br>Definition<br>and<br>Standards | R-400 | R-200 | R-150 | R-90 | R-75 | R-60 | R-40 | RMD-Infill | RMD-10 | RMD-15 | RMD-25 | RHD | I-L | I-H | All MXTD Zones* | MXCD | MXCT | MXNC | MXC | MXT | MXE | MXB | PARK |
|----------------------------------------------------------------------------------------|---------------------------------------|-------|-------|-------|------|------|------|------|------------|--------|--------|--------|-----|-----|-----|-----------------|------|------|------|-----|-----|-----|-----|------|
| Eating and Drinking Establishment                                                      | Sec. 25.6.4.11                        |       |       |       |      |      |      |      |            |        |        |        |     | C   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Event Space, Club, or Lodge                                                            | Sec. 25.6.4.12                        | S     |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | C    |     | C   | P   | P   |      |
| Food Preparation Establishment                                                         | Sec. 25.6.4.13                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    |      |     |     | P   | P   |      |
| Funeral Home                                                                           | Sec. 25.6.4.14                        |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | P    | P   | P   |     | P   |      |
| Health and Fitness Establishment                                                       | Sec. 25.6.4.15                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | C    | C   | C   | P   | P   |      |
| Home Maintenance Service                                                               | Sec. 25.6.4.16                        |       |       |       |      |      |      |      |            |        |        |        |     | P   | P   | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Hospital                                                                               | Sec. 25.6.4.17                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | C    |     |     | P   | P   |      |
| Hotel                                                                                  | Sec. 25.6.4.18                        |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | C    |     |     | P   | P   |      |
| Instructional Facility                                                                 | Sec. 25.6.4.19                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Laboratory, Medical or Dental                                                          | Sec. 25.6.4.20                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | C    |     |     | P   | P   |      |
| Mobile Use                                                                             | Sec. 25.6.4.21                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Office                                                                                 | Sec. 25.6.4.22                        |       |       |       |      |      |      |      |            |        | C      | C      | C   | C   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Outdoor Sales and Storage                                                              | Sec. 25.6.4.23                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | C               | C    | C    | C    | C   | C   | C   | C   |      |
| Pawnbroker                                                                             | Sec. 25.6.4.24                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     |                 |      |      |      |     |     |     |     |      |
| Personal Care Facility                                                                 | Sec. 25.6.4.25                        |       |       |       |      |      |      |      |            |        |        | C      | C   |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Professional Services                                                                  | Sec. 25.6.4.26                        |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Recreational Facility; Indoor, Commercial                                              | Sec. 25.6.4.27                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    |     |     | P   | P   |      |
| Recreational Facility; Outdoor, Commercial                                             | Sec. 25.6.4.28                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    |     |     | P   |     |      |

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|----------------------------------------------------------------------------------------|---------------------------------------|-------|-------|-------|------|------|------|------|------------|--------|--------|--------|-----|-----|-----|-----------------|------|------|------|-----|-----|-----|-----|------|
| Retail Establishment                                                                   | Sec. 25.6.4.29                        |       |       |       |      |      |      |      |            |        | C      | C      | C   | C   |     | P               | P    | P    | P    | P   | C   | P   | P   |      |
| Shooting Gallery                                                                       | Sec. 25.6.4.30                        |       |       |       |      |      |      |      |            |        |        |        |     | S   | S   |                 |      |      |      |     |     |     |     |      |
| Studio                                                                                 | Sec. 25.6.4.31                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Swimming Pool                                                                          | Sec. 25.6.4.32                        | C     | C     | C     | C    | C    | C    |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     | C    |
| Theater                                                                                | Sec. 25.6.4.33                        |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Tobacco and Vape Shop                                                                  | Sec. 25.6.4.34                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    |      |     |     | P   | P   |      |
| Veterinary Service                                                                     | Sec. 25.6.4.35                        | C     | C     |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    | P    | P   | C   | P   | P   |      |
| Wholesale Establishment                                                                | Sec. 25.6.4.36                        |       |       |       |      |      |      |      |            |        |        |        |     | P   |     |                 | C    | C    |      |     |     | C   | C   |      |
| Institutional and Public Uses                                                          |                                       |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| Adult Day Care                                                                         | Sec. 25.6.5.1                         | C     | C     | C     | C    | C    | C    | C    | C          | C      | C      | C      | C   | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Charitable or Philanthropic Institution                                                | Sec. 25.6.5.2                         | C     | C     | C     | C    | C    | C    | C    | C          | C      | C      | C      | C   | P   |     | P               | P    | P    | P    | P   | P   | P   | C   | C    |
| Child Care Center (9 or More Children)                                                 | Sec. 25.6.5.3                         | C     | C     | C     | C    | C    | C    | C    | C          | C      | C      | C      | C   | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Crematorium                                                                            | Sec. 25.6.5.4                         |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| Cultural Institution                                                                   | Sec. 25.6.5.5                         |       |       |       |      |      |      |      |            |        |        |        |     | C   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Educational Institution, Private                                                       | Sec. 25.6.5.6                         | C     | C     | C     | C    | C    | C    |      | C          | C      | C      | C      | C   | P   |     | P               | P    | P    | C    | P   | C   | P   | P   |      |
| Park                                                                                   | Sec. 25.6.5.7                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   | P   | P   | P               | P    | P    | P    | P   | P   | P   | P   | P    |
| Place of Worship                                                                       | Sec. 25.6.5.8                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   | P   |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Public Utility Structure                                                               | Sec. 25.6.5.9                         | S     | S     | S     | S    | S    | S    | S    | C          | C      | C      | C      | C   | P   | P   | P               | P    | P    | P    | P   | C   | P   | P   | S    |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------|-------|-------|------|------|------|------|------------|--------|--------|--------|-----|-----|-----|-----------------|------|------|------|-----|-----|-----|-----|------|
| Publicly-Owned or -Operated Facility                                                                                                                         | Sec. 25.6.5.10               | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   | P   | P   | P               | P    | P    | P    | P   | P   | P   | P   | P    |
| Wireless Communication Facility<br>(Located entirely within an existing building or on the roof or side of a building, or attached to an existing structure) | Sec. 25.6.5.11               | C     | C     | C     | C    | C    | C    | C    | C          | C      | C      | C      | C   | C   | C   | C               | C    | C    | C    | C   | C   | C   | C   | C    |
| Wireless Communication Facility<br>(Located on a freestanding ground mounted antenna support structure)                                                      | Sec. 25.6.5.11               | S     | S     | S     | S    | S    | S    | S    | S          | S      | S      | S      | S   | S   | S   | S               | S    | S    | S    | S   | S   | S   | S   | S    |
| Industrial Uses                                                                                                                                              |                              |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| Alcoholic Beverage Production                                                                                                                                | Sec. 25.6.6.1                |       |       |       |      |      |      |      |            |        |        |        |     | C   | P   |                 |      |      |      |     |     | C   |     |      |
| Artisanal Craft Production                                                                                                                                   | Sec. 25.6.6.2                |       |       |       |      |      |      |      |            |        |        |        |     | C   | P   | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Data Center or Data/Cryptocurrency Mining                                                                                                                    | Sec. 25.6.6.3                |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| General Warehousing                                                                                                                                          | Sec. 25.6.6.4                |       |       |       |      |      |      |      |            |        |        |        |     | P   | P   |                 |      |      |      |     |     |     |     |      |
| Industrial, Heavy                                                                                                                                            | Sec. 25.6.6.5                |       |       |       |      |      |      |      |            |        |        |        |     |     | P   |                 |      |      |      |     |     |     |     |      |
| Industrial, Light                                                                                                                                            | Sec. 25.6.6.6                |       |       |       |      |      |      |      |            |        |        |        |     | C   | P   |                 |      |      |      |     |     | C   | C   |      |
| Research and Development                                                                                                                                     | Sec. 25.6.6.7                |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | P               | P    | P    |      |     |     | P   | P   |      |
| Self-Storage Facility                                                                                                                                        | Sec. 25.6.6.8                |       |       |       |      |      |      |      |            |        |        |        |     | P   | P   |                 |      |      |      |     |     | C   | P   |      |
| Automotive Uses                                                                                                                                              |                              |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |

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|----------------------------------------------------------------------------------------|---------------------------------------|-------|-------|-------|------|------|------|------|------------|--------|--------|--------|-----|-----|-----|-----------------|------|------|------|-----|-----|-----|-----|------|
| Automobile and Recreational Vehicle Sales or Rental Establishment                      | Sec. 25.6.7.1                         |       |       |       |      |      |      |      |            |        |        |        |     | P   |     | C               | C    | C    |      | C   |     | C   | C   |      |
| Automobile Repair Establishment                                                        | Sec. 25.6.7.2                         |       |       |       |      |      |      |      |            |        |        |        |     | P   | P   |                 |      |      |      |     |     |     | P   |      |
| Automobile Service Establishment                                                       | Sec. 25.6.7.3                         |       |       |       |      |      |      |      |            |        |        |        |     | P   |     |                 | P    |      |      |     |     | P   | P   |      |
| Automobile Towing Establishment                                                        | Sec. 25.6.7.4                         |       |       |       |      |      |      |      |            |        |        |        |     | P   | P   |                 |      |      |      |     |     |     | C   |      |
| Car Wash                                                                               | Sec. 25.6.7.5                         |       |       |       |      |      |      |      |            |        |        |        |     | P   |     |                 | P    |      |      |     |     |     |     |      |
| Drive-Through Window                                                                   | Sec. 25.6.7.6                         |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 | P    | P    | S    | P   |     | C   | P   |      |
| Electric Vehicle Charging                                                              | Sec. 25.6.7.7                         | C     | C     | C     | C    | C    | C    | C    | C          | C      | C      | C      | C   | P   | P   | C               | P    | P    | C    | C   | C   | C   | P   | P    |
| Gas Station                                                                            | Sec. 25.6.7.8                         |       |       |       |      |      |      |      |            |        |        |        |     | S   | S   |                 | S    | S    | S    | S   |     | S   |     |      |
| Parking Structure, Commercial                                                          | Sec. 25.6.7.9                         |       |       |       |      |      |      |      |            |        |        |        |     |     |     | P               | P    | P    |      |     |     | P   | P   |      |
| Miscellaneous Uses                                                                     |                                       |       |       |       |      |      |      |      |            |        |        |        |     |     |     |                 |      |      |      |     |     |     |     |      |
| Backyard Chicken Coop                                                                  | Sec. 25.6.8.1                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   |     |     | C               | P    | P    | P    | P   | P   | P   | P   |      |
| Home-Based Business (Little to No Impact)                                              | Sec. 25.6.8.2                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   |     |     | P               | P    | P    | P    | P   | P   | P   | P   |      |
| Home-Based Business (Material Impact)                                                  | Sec. 25.6.8.2                         | S     | S     | S     | S    | S    | S    | S    | S          | S      | S      | S      | S   |     |     | S               | S    | S    | S    | S   | S   | S   | S   |      |
| Renewable Energy System                                                                | Sec. 25.6.8.3                         |       |       |       |      |      |      |      |            |        | C      | C      | C   | C/S | C/S | C               | C    | C    | C    | C   |     | C   | C   | C    |
| Temporary Uses                                                                         | Sec. 25.6.8.4                         | P     | P     | P     | P    | P    | P    | P    | P          | P      | P      | P      | P   | P   | P   | P               | P    | P    | P    | P   | P   | P   | P   |      |

## Division 6.3. Residential Uses

### Sec. 25.6.3.1. Apartment.

(a) *Definition.*

- (1) Apartment means one of a group of five or more dwelling units contained within a single building where each unit is separated from the other units. This term includes dwellings located within apartment buildings, condominiums, and cooperatives. It does not include Townhouses. Stacked Townhouses are Apartments when arranged in groups of five units or more.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Apartments are prohibited in buildings in which the principal use is industrial.

(c) *Conditional use standards.*

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones the following standards apply.
  - A. The use must be located on land, including land that is subject to a ground lease, that is either:
    1. Wholly owned by a nonprofit organization as defined in Sec. 7-504 of the Land Use Article of the Maryland Annotated Code, as may be amended;
    2. Includes improvements owned by an entity that is controlled by a nonprofit organization as defined in Sec. 7-504 of the Land Use Article of the Maryland Annotated Code, as may be amended;
    3. A Place of Worship; or
    4. A Publicly-Owned or -Operated Facility.
  - B. The use must consist of 25 percent MPDUs.
  - C. Development standards are those required for the zone, except as follows:
    1. *Minimum street frontage.* The lot must have at least 60 feet of frontage on a public street.
    2. *Building height.*
      - i. In the R-400, R-200, R-150, RMD-10, and RMD-15, the height may be increased to 50 feet if:
        - a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
      - ii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:

- a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
  - b. Side and rear setbacks double the width required in the zone are provided.
- (2) In the RHD zone, Apartment developments must comply with the mixed-use building location and design standards of Sec. 25.7.3.6, Sec. 25.7.3.8, and Sec. 25.7.3.9.
- (3) In the MXT and MXE zones, the following standards apply:
  - A. The use must be in areas recommended for residential use in the Plan;
  - B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures; or
  - C. In buildings in which the principal use is an Office. In Office buildings in the MXE, Apartments may occupy no more than 20 percent of the building's gross floor area.
- (4) In the MXC zone, Apartments are not permitted at the ground floor level.

#### **Sec. 25.6.3.2. Child Care Home.**

##### **(a) Definition.**

- (1) Child Care Home means a residence in which child care services are provided for up to eight children for compensation any one time in accordance with all applicable State and County laws and regulations.

#### **Sec. 25.6.3.3. Cottage Court.**

##### **(a) Definition.**

- (1) Cottage Court means two or more detached dwelling units arranged around a shared courtyard on a single lot.

##### **(b) Use standards.** In all zones, the following standards apply.

- (1) Three to 12 units may be located on a single lot and up to half of the units may be duplexes.
- (2) There must be a minimum of six feet between detached units.
- (3) Accessory Dwelling Units are prohibited on lots where Cottage Courts are located.

##### **(4) Development standards.**

- A. The maximum height is 25 feet.
- B. The maximum building width is 24 feet.
- C. The maximum unit size is 1,200 square feet.

##### **(5) Design standards.** Cottage Courts must conform to the following design standards.

- A. Each dwelling unit must front on a shared courtyard which is either partially or wholly open to the street. All units must have access to common areas and public sidewalks via walkways.
  - B. Facades along street frontages other than alleys must include elements that provide interaction with the street such as stoops, porches, terraces, balconies, and bay windows.
  - C. Attached garages or carports are not permitted.
- (c) *Conditional use standards.*
- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, Cottage Courts are permitted as part of a qualified project as defined in Subtitle 5, Title 7, Division II of the Land Use Article of the Maryland Annotated Code.

#### **Sec. 25.6.3.4. Dwelling, Single-Unit Detached.**

- (a) *Definition.*
- (1) Single-Unit Detached Dwelling means a dwelling unit that is entirely separated from any other building or structure on all sides, except for an attached accessory dwelling unit.
- (b) *Use standards.* In all zones, the following standards apply:
- (1) Except as otherwise provided, no more than one Single-Unit Detached Dwelling may be built on a lot.
- (c) *Conditional use standards.*
- (1) In the R-75, R-60, and RMD-10, Single-Unit Detached Dwellings and their Attached Accessory Dwelling Units must conform to the design standards of the East Rockville Design Guidelines, adopted February 1, 2021, as applicable.
  - (2) The R-40 and RMD-Infill, MXT, and MXC zones, Single-Unit Detached Dwellings must comply with the following:
    - A. The development standards of the R-60 zone; and
    - B. The design standards of the East Rockville Design Guidelines, adopted February 1, 2021, as applicable.
  - (3) In the RMD-10, RMD-15, and RMD-25, Single-Unit Detached Dwellings must comply with the development standards of the R-60 zone.
  - (4) In all MXTD zones, Single-Unit Detached Dwellings are permitted only when they were lawfully in existence on [effective date of this Chapter] and must comply with the development standards of the R-60 zone.
  - (5) In the MXCD, MXCT, MXNC, MXE, and MXB zones, Single-Unit Detached Dwellings must comply with the development standards of the R-60 zone and are permitted as follows:

- A. In areas recommended for residential use in the Plan; or
- B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures.

**Sec. 25.6.3.5. Dwelling Unit, Accessory.**

**(a) Definition.**

- (1) Accessory Dwelling Unit means a dwelling unit that is subordinate to a Single-Unit Detached Dwelling on the same lot.
  - A. Attached Accessory Dwelling Unit means an Accessory Dwelling Unit that shares a common wall with the principal dwelling unit on the lot. Attached Accessory Dwelling Units may have a gross floor area:
    - 1. Equal to or less than 50 percent of the total floor area of the principal dwelling unit; or
    - 2. If the Attached Accessory Dwelling unit is located in a basement or cellar, equal to or less than the square footage of the basement or cellar.
  - B. Detached Accessory Dwelling Unit means an Accessory Dwelling Unit within a detached accessory building.

**(b) Use standards.** In all zones, the following standards apply:

- (1) All Accessory Dwelling Units, whether attached or detached, must comply with the following standards:
  - A. Accessory Dwelling Units must be accessory to a Single-Unit Detached Dwelling located on the same lot.
  - B. Only one Accessory Dwelling Unit is permitted on a lot.
  - C. Both the Accessory Dwelling Unit and the principal dwelling unit on a lot must remain under common ownership. In accordance with Chapter 18 of City Code, only one rental license is permitted on a property.
- (2) *Attached Accessory Dwelling Units.* Attached Accessory Dwelling Units, except for Accessory Apartments constructed before October 9, 2023, under a valid Special Exception approval, must comply with the following standards.
  - A. If a separate entrance to the Attached Accessory Dwelling Unit is provided, it must be located on the side or rear of the principal dwelling unit.
  - B. Attached Accessory Dwelling Units are subject to all design guidelines applicable to their principal Single-Unit Detached Dwellings.
- (3) *Detached Accessory Dwelling Units.* Detached Accessory Dwelling Units must comply with the following standards:

- A. Detached Accessory Dwelling Units are subject to the development standards in Sec. 25.8.1.3(c).
  - B. Detached Accessory Dwelling Units must be permanently attached to the ground by a foundation.
  - C. *Size limitation.*
    - 1. If the principal dwelling unit has a gross floor area of 800 square feet or more, the Detached Accessory Dwelling Unit must be no larger than the lesser of:
      - i. 50 percent of the gross floor area of the principal dwelling unit; or
      - ii. 750 square feet.
    - 2. If the principal dwelling unit has a gross floor area of less than 800 square feet, the Detached Accessory Dwelling Unit may be up to 400 square feet.
- (c) *Conditional use standards.*
- (1) In all MXTD zones, Accessory Dwelling Units are permitted only when located on the same lot as a Single-Unit Detached Dwelling that was in existence on [effective date of this Chapter].

#### **Sec. 25.6.3.6. Group Home, Large.**

- (a) *Definition.*
- (1) Large Group Home means a facility that is licensed by the State and County and operates as a group home or domiciliary care home, offering residential accommodations, supervision, or assisted community living for nine to 16 residents, or the limit set by State or County law, whichever is less.
    - A. The number of residents living in a Group Home is calculated by adding the number of individuals receiving services and the number of staff members residing in the Group Home. Dependent children of individuals receiving services may also live in the Group Home and are not included in this calculation.
- (b) *Use standards.* In all zones, the following standards apply:
- (1) Large Group Homes are not permitted in Apartments, Cottage Courts, Multiplexes, or Townhouses.
- (c) *Conditional use standards.*
- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill, Large Group Homes must be separated from existing Large Group Homes by at least  $\frac{1}{4}$  mile (1320 feet) along the shortest line connecting the uses.
    - A. This standard does not apply where the Large Group Homes are separated by a principal arterial road, interstate highway, rail line, major topographical feature such as a major stream floodway, or major non-residential uses such as a Shopping Center or Office.

- (2) Parking facilities for Large Group Homes must be located to the side or the rear of the principal structure on the lot.

#### **Sec. 25.6.3.7. Group Home, Small.**

(a) *Definition.*

- (1) Small Group Home means a facility that is licensed by the State and County and operates as a group home or domiciliary care home, offering residential accommodations, supervision, or assisted community living for three to eight residents, or the limit set by State or County law, whichever is less.
  - A. The number of residents living in a Group Home is calculated by adding the number of individuals receiving services and the number of staff members residing in the Group Home. Dependent children of individuals receiving services may also live in the Group Home and are not included in this calculation.

#### **Sec. 25.6.3.8. Housing for Senior Adults and Persons with Disabilities.**

(a) *Definition.*

- (1) Housing for Senior Adults and Persons with Disabilities means a building or buildings containing dwelling units for independent or assisted living and related services or facilities for senior adults or persons with disabilities. The use may also include facilities for such services to residents as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of any of the above operations.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Occupancy is restricted to the following:
  - A. A senior adult or a person with a disability, as defined in Sec. 25.2.2.14(n);
  - B. The spouse of a resident, regardless of age or disability;
  - C. The resident's relative or caregiver, if needed to assist a resident senior or person with a disability;
  - D. The resident's dependent child; and
  - E. Resident staff necessary for operation of the facility.
- (2) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and subsequent amendments.
- (3) For developments with a common main/front entrance, a designated pick-up and drop-off zone must be provided adjacent to the main/front entrance. The area must:
  - A. Allow safe, unobstructed vehicle access for passenger loading and unloading;

- B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;
  - C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and
  - D. Include curb cuts and clear signage directing visitors and service providers to the zone.
- (4) Usable outdoor recreational space must be provided. This outdoor space must be designed and maintained to accommodate active and passive recreation, including but not limited to seating areas, gardens, or patios. Usable outdoor recreation areas must:
- A. Be located on the ground, terraces, rooftops, or courtyards;
  - B. Be accessible to all residents, including those with mobility aids;
  - C. Not include driveways, parking areas, loading/unloading zones, or required yard setbacks; and
  - D. Be landscaped or developed to promote social interaction, physical activity, and relaxation.
- (c) *Conditional use standards.* In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, MXT, MXC, and MXB zones, the following additional standards apply:
- (1) The site must have adequate accessibility to, or provide on-site, public transportation, medical services, shopping areas, and other community services frequently used by residents of such use.
- (2) *Dimensional and development standards.*
- A. Development standards are those required for the zone, except as follows:
    - 1. *Minimum street frontage.* The lot must have at least 60 feet of frontage on a public street.
    - 2. *Building height.*
      - i. In the MXC and MXT, the maximum height is 50 feet.
      - ii. In the R-400, R-200, R-150, RMD-10, and RMD-15, the height may be increased to 50 feet if:
        - a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
      - iii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:
        - a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
        - b. Side and rear setbacks double that required in the zone are provided.

### **Sec. 25.6.3.9. Life Care Facility.**

**(a) Definition.**

- (1) Life Care Facility means a facility housed in a single building or group of buildings that provides continuing progressive care for residents, composed of a nursing home and any associated dwelling units for independent or assisted living. It may also include accessory facilities for the enjoyment, service, or care of the residents.

**(b) Use standards.** In all zones, the following standards apply:

- (1) Occupancy is restricted in accordance with applicable State and County regulation, and the following:
  - A. A senior adult or a person with a disability, as defined in Sec. 25.2.2.16(n);
  - B. The spouse of a resident, regardless of age or disability;
  - C. The resident's relative or caregiver, if needed to assist a resident senior or person with a disability;
  - D. The resident's dependent child; and
  - E. Resident staff necessary for operation of the facility.
- (2) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and subsequent amendments.
- (3) A minimum of 50 square feet of common indoor living space per resident must be provided. This common space must be designed to accommodate social, recreational, or dining activities and must be accessible to all residents, including those using mobility aids. Common space includes lounges, dining rooms, recreational rooms, or other shared areas but excludes bedrooms, bathrooms, hallways, and service areas.
- (4) A dedicated pick-up and drop-off zone must be provided adjacent to the main entrance of the life care facility. The area must:
  - A. Allow safe, unobstructed vehicle access for passenger loading and unloading;
  - B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;
  - C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and
  - D. Include curb cuts and clear signage directing visitors and service providers to the zone.
- (5) Usable outdoor recreational space must be provided. This outdoor space shall be designed and maintained to accommodate active and passive recreation, including but not limited to seating areas, gardens, or patios. Usable outdoor recreation areas must:

- A. Be located on the ground, terraces, rooftops, or courtyards;
- B. Be accessible to all residents, including those with mobility aids;
- C. Not include driveways, parking areas, loading/unloading zones, or required yard setbacks; and
- D. Be landscaped or developed to promote social interaction, physical activity, and relaxation.

(c) *Conditional use standards.*

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, RHD, MXNC, MXT and MXB zones, the following additional standards apply:

- A. The site must have adequate accessibility to, or provide on-site, public transportation, medical services, shopping areas, and other community services frequently used by residents of such use.
- B. *Dimensional and development standards.* Development standards are those required for the zone, except as follows:
  - 1. *Minimum lot area.* The use must be on a lot of at least two acres.
  - 2. *Minimum street frontage.* The lot must have at least 60 feet of frontage on a public street.
  - 3. *Setbacks.* All structures on the site must be set back at least as follows:
    - i. *Front yard.* 50 feet.
  - 4. *Building height.*
    - i. In the MXT, the maximum height is 50 feet.
    - ii. In the R-400, R-200, R-150, RMD-10, and RMD-15, the height may be increased to 50 feet if:
      - a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
    - iii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:
      - a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
      - b. Side and rear setbacks double that required in the zone are provided.

**Sec. 25.6.3.10. Live/Work Unit.**

(a) *Definition.*

- (1) Live/Work Unit means a building or spaces within a building used jointly for commercial or light industrial and residential purposes where the residential use of the space is secondary or accessory to the principal use as a place of work. This use

includes a dwelling unit for a caretaker in connection with a Self-Storage Facility or a Funeral Home.

(b) *Use standards.* In all zones, the following standards apply:

(1) *Occupancy.*

A. At least one full-time employee of the business must reside in the residential portion of the Live/Work Unit.

#### **Sec. 25.6.3.11. Multiplex.**

(a) *Definition.*

(1) Multiplex means a building containing a group of two to four attached principal dwelling units. Multiplex units may be arranged vertically, horizontally, or a combination of the two. A two-unit Multiplex is also known as a “duplex”; a three-unit Multiplex, a “triplex”; and a four-unit Multiplex, a “fourplex.” A Single-Unit Detached Dwelling with an attached Accessory Dwelling Unit is not a Multiplex. Stacked townhouses are Multiplexes when arranged in groups of four units or fewer.

(b) *Use standards.* In all zones, the following standards apply:

(1) *Design standards.* Multiplexes must conform to the following design standards:

- A. Facades along street frontages other than alleys must include elements that provide interaction with the street such as stoops, porches, terraces, balconies, and bay windows.
- B. A single plane of a facade must not be greater than 40 feet in width.
- C. Monotonous unarticulated blank wall surfaces are prohibited.
- D. Attached garages or carports, where permitted, must be recessed a minimum of five feet behind the front facade of the main building.
- E. Front-loaded Multiplexes. Where a Multiplex consists of more than one unit with garage(s) that face a street other than an alley (i.e., front-loaded), the Multiplex must be designed in a manner to accommodate all required site elements, including but not limited to wet and dry utilities, streetlights, street trees, traffic signage, storm drain inlets and structures, and stormwater management facilities. The garage door must not constitute more than 50 percent of the ground-floor facade of the Multiplex. Within the first eight feet from the curb, driveways of front-loaded units may be no greater than 10 feet wide.

(c) *Conditional use standards.*

(1) In the R-400, R-200, R-150, R-90, R-75, and R-60 zones, Multiplexes are permitted as part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code.

- (2) In the R-40 zone, Duplexes are permitted. Triplexes and fourplexes are permitted as part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code.
- (3) In the RMD-Infill zone, the following standards apply:
  - A. Fourplexes may be located on a corner lot only where recommended by the Plan or where part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code.
- (4) In the MXE zone, Multiplexes are permitted as follows:
  - A. In areas recommended for residential use in the Plan; or
  - B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures.
- (5) In the MXC zone, dwelling units may not be placed on the ground floor.

#### **Sec. 25.6.3.12. Personal Living Quarters.**

(a) *Definition.*

- (1) Personal Living Quarters means a permanent residential unit within a larger structure that houses at least five such units, plus a residential unit for an on-site manager. Personal Living Quarters have incomplete kitchen or bathroom facilities and are occupied by no more than two persons per unit.

#### **Sec. 25.6.3.13. Townhouse.**

(a) *Definition.*

- (1) Townhouse means one of a group of five or more attached dwelling units where each dwelling unit is separated by a vertical party wall.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Front-loaded Townhouses. Where a Townhouse has a garage that faces a street other than an alley (i.e., front-loaded), the Townhouse must be designed in a manner to accommodate all required site elements, including but not limited to wet and dry utilities, streetlights, street trees, traffic signage, storm drain inlets and structures, and stormwater management facilities. The garage door must not constitute more than 50 percent of the ground-floor facade of the Townhouse. Within the first eight feet from the curb, driveways of front-loaded units may be no greater than 10 feet wide.

(c) *Conditional use standards.*

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones the following additional standards apply:
  - A. A Townhouse must be:

1. Part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code; or
  2. Located on land, including land that is subject to a ground lease, that is either:
    - i. Wholly owned by a nonprofit organization as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code;
    - ii. Includes improvements owned by an entity that is controlled by a nonprofit organization as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code;
    - iii. A Place of Worship as defined in this Chapter; or
    - iv. A Publicly-Owned or -Operated Facility.
- B. Where Townhouses are permitted under Sec. 25.6.3.13(c)(1)A.2 , at least 25 percent MPDUs are required.
- C. Development standards are those required for the zone, except as follows:
1. *Minimum street frontage.* The lot must have at least 60 feet of frontage on a public street.
  2. *Building height.*
    - i. In the R-400, R-200, R-150, RMD-10, and RMD-15 zones, the height may be increased to 50 feet if a step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
    - ii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:
      - a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone; and
      - b. Side and rear setbacks double that required in the zone are provided.
- (2) In the MXT and MXE zones, Townhouses are permitted as follows:
- A. In areas recommended for residential use in the Plan; or
  - B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures.

## **Division 6.4. Retail and Service Uses**

### **Sec. 25.6.4.1. Adult-Oriented Establishment.**

#### **(a) Definition.**

- (1) Adult-Oriented Establishment means any commercial establishment which devotes 250 or more square feet or five percent of its gross floor area, whichever is smaller, to the retailing, distributing, exhibiting, or storing of sexually-oriented materials, or to affording customers the opportunity to engage in sexually-oriented activities. The term

includes, but is not limited to, the following establishments which meet the criteria of this definition: bookstores, theaters or arcades, massage parlors, model studios, and nightclubs. It does not include Hotels. Theaters do not meet this definition unless a predominance of the pictures or performances exhibited constitute sexually-oriented materials.

(b) *Special Exception use standards.* In the I-L zone, Adult-Oriented Establishments may be permitted by the Board of Appeals under Article 4, Section 3, subject to the following requirements:

- (1) *Location.* No Adult-Oriented Establishment is allowed within a structure that is located within 1,000 feet of the nearest property line of any residence, school, church, library, public facility, or public building.
- (2) *Lighting and visibility.*
  - A. Lighting must provide visibility to all portions of the parking lot at all times.
  - B. Sexually-oriented material or sexually-oriented activities must not be visible or audible from outside the establishment.
- (3) *Operations.*
  - A. Any employee of an Adult-Oriented Establishment must be at least 18 years old and must never have been convicted of violating any law, ordinance, or regulation concerning obscenity or restricting the access of minors to material, activities, or establishments; and
  - B. No person under 18 years of age is permitted access to any Adult-Oriented Establishment.
- (4) *Special Exception findings.* The Board of Appeals must make the following additional findings:
  - A. That the owners and operators of any Adult-Oriented Establishment have devised and will implement a procedure sufficient to ensure that no person under 18 years of age will be allowed access to the establishment; and
  - B. That neither the owner nor the operator of such a use has ever been convicted of violating any law, ordinance, or regulation dealing with obscenity or restricting the access of minors to such material, activities, or establishments.

#### **Sec. 25.6.4.2. Alcoholic Beverage Production, Limited.**

(a) *Definition.*

- (1) Limited Alcoholic Beverage Production means the production of any alcoholic beverage or neutral spirits by means of distilling, fermenting, brewing, or rectifying under the following Maryland State manufacturer's license classifications: Classes 4, 6, 7, and 9.

(b) *Use standards.*

- (1) In all zones, areas for the tastings or sampling of products are permitted in accordance with State law.
- (c) *Conditional use standards.*
  - (1) In the I-L zone, Limited Alcoholic Beverage Production facilities must not abut or confront a residential use in a residential zone.
  - (2) In all MXTD zones, as well as the MXCD, MXCT, MXNC, MXE, and MXB zones, the following standards apply:
    - A. The use must be at least 250 feet from a lot with a public or private school providing pre-school or K-12 education.
    - B. The use must not abut or confront Single Unit Detached Dwellings.

#### **Sec. 25.6.4.3. Alcoholic Beverage Retail Establishment.**

- (a) *Definition.*
  - (1) Alcoholic Beverage Retail Establishment means an establishment serving as a point of sale of beer, wine, or liquor in sealed packages or containers that may not be opened or consumed on the premises where sold.
- (b) *Conditional use standards.*
  - (1) In the MXCT, MXNC, and MXT zones, Alcoholic Beverage Retail Establishment must not exceed 5,000 square feet of gross floor area.
  - (2) In the MXC zone, the use:
    - A. Is not permitted on sites that abut property within a residential zone; and
    - B. Must not exceed 5,000 square feet of gross floor area.

#### **Sec. 25.6.4.4. Ambulance Service.**

- (a) *Definition.*
  - (1) Ambulance Service means a private facility providing medical transport or ambulance services.
- (b) *Conditional use standards.*
  - (1) In the I-L, MXCT, MXNC, MXC, and MXB zones, Ambulance Services must not abut or confront residential uses.

#### **Sec. 25.6.4.5. Animal Boarding Establishment.**

- (a) *Definition.*
  - (1) Animal Boarding Establishment means the provision of housing and care of an animal or animals in the absence of the owner, except for Veterinary Services. Accessory services related to grooming of animals for which a fee is charged are included in this definition.

- (b) *Use standards.* The following standards apply in all zones:
  - (1) The facility must operate entirely indoors, except for outdoor runs; and
  - (2) Outdoor runs must be entirely enclosed by a fence at least six feet in height.
- (c) *Conditional use standards.* In all MXTD zones, as well as the MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones:
  - (1) The use must not include the overnight housing of animals, except in the MXE and MXB zones;
  - (2) Outdoor runs must be located at least 100 feet from any lot line; and
  - (3) The parts of the building where animals are boarded must be fully enclosed, with solid core doors and no operable windows, and must be sufficiently insulated or soundproofed so that no unreasonable noise or odor can be detected off premises or through shared tenant party walls and ceilings.

#### **Sec. 25.6.4.6. Animal Grooming Establishment.**

- (a) *Definition.*
  - (1) Animal Grooming Establishment means the provision of grooming and care of an animal or animals for which a fee is charged. This use does not include Animal Boarding Establishments or Veterinary Services.
- (b) *Use standard.* The following standard applies in all zones:
  - (1) The facility must operate entirely indoors.

#### **Sec. 25.6.4.7. Auctioneer or Commercial Gallery.**

- (a) *Definition.*
  - (1) Auctioneer or Commercial Gallery means a building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder; or where works of art are kept, displayed, and offered for sale as the principal use. Auctioneer or Commercial Gallery does not include auctions for which the principal purpose is the sale of livestock or motor vehicles.

#### **Sec. 25.6.4.8. Bank or Financial Institution.**

- (a) *Definition.*
  - (1) Bank or Financial Institution means an establishment that provides retail banking services, mortgage lending, or similar financial services, such as credit unions and savings and loans, to individuals and businesses. This use does not include check cashing services, bail bond brokers, investment or brokerage firms, or insurance services.

#### **Sec. 25.6.4.9. Bed and Breakfast.**

(a) *Definition.*

- (1) Bed and Breakfast means a Single-Unit Detached Dwelling in which a room or rooms are provided as overnight accommodations for a fee, and in which breakfast is served. This use does not include Hotels and is not a Home-Based Business.

(b) *Use standards.* The following standards apply in all zones.

- (1) Bed and Breakfasts must be located within a Single-Unit Detached Dwelling.
- (2) The Bed and Breakfast operator, who may be the owner or an on-site manager, must reside on the premises as their principal place of residence during any period of guest occupancy.
- (3) Breakfast must be served to guests daily.
- (4) *Minimum lot area.* At least 9,000 square feet, but no smaller than the minimum lot area required in the zone.
- (5) No more than six guest rooms are allowed on a lot or parcel of less than two acres.
- (6) *Guest rooms.* Guest rooms:
  - A. May not have separate utilities or provisions for cooking; and
  - B. Must be located within the principal dwelling.
- (7) *Parking.* Parking must be located only in the side or rear yard.

#### **Sec. 25.6.4.10. Cannabis Dispensary.**

(a) *Definition.*

- (1) Cannabis Dispensary means any retail establishment that is licensed by the State of Maryland to sell cannabis to patients or consumers.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Cannabis Dispensaries must meet all applicable requirements of State law and regulations, including but not limited to any distance requirements of Sec. 36-410 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code, as may be amended.

#### **Sec. 25.6.4.11. Eating and Drinking Establishment.**

(a) *Definition.*

- (1) Eating and Drinking Establishment means an establishment selling food or drink for consumption, including restaurants, taverns, bars, coffee shops, cafeterias, fast-casual restaurants, fast food, and similar facilities selling prepared foods and drinks for on-site or off-site consumption.

(b) *Conditional use standards.*

- (1) I-L zone, the following standards apply:
  - A. Carry-out is permitted as either a principal or accessory use with no additional use standards.
  - B. All other Eating and Drinking Establishments in the I-L zone:
    1. Must be accessory to a principal use on the same 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.
- (2) In the PD zones, accessory Eating and Drinking Establishments are permitted in an Office, subject to Sec. 25.6.4.22(b)(3).

#### **Sec. 25.6.4.12. Event Space, Club, or Lodge.**

(a) *Definition.*

- (1) Event Space, Club, or Lodge means an indoor or outdoor gathering space available for rental to host meetings and social occasions or for use by associations for civic, social, cultural, religious, literary, political, recreational, or like activities, and that is operated for the benefit of its members and is not open to the general public.

(b) *Conditional use standards.*

- (1) In the MXNC and MXT zones, a rental hall within an Event Space, Club, or Lodge must not exceed 4,000 square feet of gross floor area.

(c) *Special Exception use standards.*

- (1) In the R-400, Event Spaces, Clubs, or Lodges may be permitted by the Board of Appeals under Article 4, Section 3.

#### **Sec. 25.6.4.13. Food Preparation Establishment.**

(a) *Definition.*

- (1) Food Preparation Establishment means a licensed kitchen facility where raw or processed food products are used to prepare ready-to-eat foods for sale in wholesale or retail markets or for serving at events. Such uses include, but are not limited to, commercial kitchens, caterers, kitchen incubators, and ghost kitchens.

#### **Sec. 25.6.4.14. Funeral Home.**

(a) *Definition.*

- (1) Funeral Home means:
  - A. An establishment providing any or all of the following services:
    1. Temporary holding and transporting of human remains to and from the premises;

2. Embalming and preparation of remains;
3. Visiting of the premises by family members and the public for the purpose of viewing the remains and conducting funeral and memorial services; and
4. Organizing funeral processions.

(2) A crematorium is not included in this definition.

#### **Sec. 25.6.4.15. Health and Fitness Establishment.**

(a) *Definition.*

- (1) Health and Fitness Establishment means a membership facility providing space and specialized equipment for individual or group exercise.

(b) *Conditional use standards.*

- (1) In the MXNC, MXT, and MXC zones, Health and Fitness Establishments must not exceed 5,000 square feet of gross floor area.

#### **Sec. 25.6.4.16. Home Maintenance Service.**

(a) *Definition.*

- (1) Home Maintenance Service means an establishment or business providing for the maintenance, installation, or repair of appliances or constructed elements of a home. This includes plumber, electrician, carpenter, locksmith, appliance repair, upholstery, studio glass sales and installation, picture framing, and similar services for the upkeep of the home. Items regulated separately in this Chapter are not included in this definition.

#### **Sec. 25.6.4.17. Hospital.**

(a) *Definition.*

- (1) Hospital means an institution licensed by the State that:
  - A. Has a group of at least five physicians who are organized as a medical staff for the institution;
  - B. Maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for two or more unrelated individuals; and
  - C. Admits or retains the individuals for overnight care.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Dimensional and development standards.
  - A. The site must be at least five acres, except as provided in Sec. 25.6.4.17(c), below.
  - B. The lot frontage must be at least 200 feet.
  - C. The front yard and side yard setbacks must be at least 50 feet.

D. The rear yard setback must be at least 100 feet.

(c) *Conditional use standards.*

(1) In the MXNC, the following additional standards apply:

A. The site must be at least two acres.

B. A Hospital may not have a gross floor area that exceeds 50,000 square feet.

**Sec. 25.6.4.18. Hotel.**

(a) *Definition.*

(1) Hotel means a building other than a Single-Unit Detached Dwelling that provides temporary lodging to the public for compensation, with or without meals. Accessory uses such as meeting rooms, pools, indoor gyms, business centers, and restaurants may be included. This definition includes motels and inns.

(b) *Conditional use standards.*

(1) In the MXNC zone, a Hotel may not exceed 15,000 square feet of gross floor area.

**Sec. 25.6.4.19. Instructional Facility.**

(a) *Definition.*

(1) Instructional Facility means a facility where non-accredited educational services or instruction are provided in individual or group settings, typically on a part-time or sessional basis. Instruction may include activities such as yoga, art, music, tutoring, dance, or similar skill-based learning. This use does not include facilities that offer formal academic curricula or award diplomas or degrees.

(b) *Use standards.*

(1) An Instructional Facility may not exceed 7,500 square feet of gross floor area.

**Sec. 25.6.4.20. Laboratory, Medical or Dental.**

(a) *Definition.*

(1) Medical or Dental Laboratory means a facility for the testing of blood or other clinical specimens or the fabrication of dental and orthodontic prosthetics and appliances.

(b) *Use standards.* In all zones, the following standards apply:

(1) Labs generating medical waste must comply with federal, State, and local disposal regulations.

(c) *Conditional use standards.*

(1) In the MXNC zone, a Medical or Dental Laboratory must not exceed 10,000 square feet of gross floor area.

#### **Sec. 25.6.4.21. Mobile Use.**

(a) *Definition.*

- (1) Mobile Use means a self-contained mobile unit in which permitted uses are operated, and in which all functional necessities for the operation of the use such as water, sanitary facilities, and power are self-contained.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Mobile Uses must not be permanently affixed to a foundation.
- (2) Mobile Uses providing goods or services are subject to the Hawkers and Peddlers regulations set forth in Chapter 12 of the City Code.

#### **Sec. 25.6.4.22. Office.**

(a) *Definition.*

- (1) Office means a room, set of rooms, or a building where the business of a commercial or industrial organization or of a professional person is conducted. Office includes medical and dentist offices but does not include Veterinary Services or Professional Services.

(b) *Conditional use standards.*

- (1) In the RMD-15, RMD-25, and RHD zones, the following standards apply.
  - A. The use may only consist of a medical or dental Office in an apartment building.
  - B. The exterior of the apartment building must not be altered except for display of a sign.
  - C. The Office must be located on the ground floor or lower.
- (2) In the I-L zone, an Office is limited to 25 percent of the gross floor area of a building.
- (3) In the PD zones, so long as a principal Office use is listed for a parcel in the approved Planned Development governing documents, an accessory Eating and Drinking Establishment is permitted, subject to the following standards.
  - A. Signs will be governed by the Planned Development governing documents, including any comprehensive signage plan.
  - B. This use cannot exceed five percent of the total gross floor area of the building.
  - C. No drive-through or walk-up service is permitted.
  - D. A bar patron area cannot exceed 10 percent of the total patron use area.

#### **Sec. 25.6.4.23. Outdoor Sales and Storage.**

(a) *Definition.*

- (1) Outdoor Sales and Storage means the permanent display, sale, or storage of merchandise or tangible property in a primarily outdoor location or within a storage shed. This use does not include a Junkyard or vehicle salvage yard or the display and storage of vehicles as part of an Automobile or Recreational Vehicle Sales or Rental Establishment.
- (b) *Use standards.* In all zones, the following standards apply:
  - (1) Outdoor Sales and Storage areas are considered as part of the gross floor area of the associated retail use, except where the principal use is an Automobile or Recreational Vehicle Sales or Rental Establishment. Outdoor Sales and Storage areas associated with Automobile or Recreational Vehicle Sales or Rental Establishments are not considered part of the gross floor area of the use.
- (c) *Conditional use standards.* In all MXTD, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones, the following standards apply.
  - (1) Outdoor Sales and Storage must be accessory to the principal use on the site.
  - (2) Outdoor Sales and Storage must be an extension of the sales floor into which patrons are allowed free access.
  - (3) Outdoor Sales and Storage must be screened with opaque walls and/or fences.

#### **Sec. 25.6.4.24. Pawnbroker.**

- (a) *Definition.*
  - (1) Pawnbroker means lending money against the deposit or pledge of tangible personal property or purchasing tangible personal property with the agreement to resell it to the original seller at a stipulated price, or to resell it to the general public if the seller fails to reclaim the property. Additionally, any person, corporation, or business entity required by the State or County to obtain a pawnbroker or pawn dealer license, or a similar license to operate a pawn shop or engage in pawning operations, is considered a Pawnbroker under this definition.
- (b) *Use standards.* In the I-L zone, the following standards apply.
  - (1) Pawnbrokers are not permitted within a structure that is located within 500 feet of the nearest property line of any residentially zoned property.
  - (2) Pawnbrokers are not permitted within a structure located within 1,500 feet of another structure in which another Pawnbroker is located.

#### **Sec. 25.6.4.25. Personal Care Facility.**

- (a) *Definition.*
  - (1) Personal Care Facility means an establishment offering specialized skilled services for individuals' personal improvement or maintenance, including but not limited to a barber shop, hair stylist, aesthetician, tanning salon, body piercing establishment,

tattoo parlor, wearing apparel services, and similar uses. Items separately regulated in this Chapter are not included in this definition. The accessory sale of merchandise is included in this definition.

(b) *Conditional use standards.*

- (1) In the RMD-15, RMD-25, and RHD, the use is limited to wearing apparel services, which may be located in an apartment building if the building contains 150 dwelling units or more, the use is located on the ground floor, and no direct entrance to the use from the outside is provided.

**Sec. 25.6.4.26. Professional Services.**

(a) *Definition.*

- (1) Professional Services means an establishment such as a law firm, architecture firm, investment or brokerage firm, insurance service, accounting firm, real estate offices, travel agency, or tech support company where professional services are provided to a client.

**Sec. 25.6.4.27. Recreational Facility; Indoor, Commercial.**

(a) *Definition.*

- (1) Indoor Commercial Recreational Facility means a facility providing indoor recreational activities to the public for a fee as the principal commercial activity. This may include, but not be limited to, sports facilities, bowling alleys, laser tag, dance halls, and amusement device arcades. Shooting Galleries and Health and Fitness Centers are not included.

**Sec. 25.6.4.28. Recreational Facility; Outdoor, Commercial.**

(a) *Definition.*

- (1) Outdoor Commercial Recreational Facility means a facility providing outdoor active and passive recreational activities to the public for a fee as the principal commercial activity, typically in a park-like setting. This may include, but not be limited to, sports facilities, picnic areas, and nature preserves, but does not include Shooting Galleries.

(b) *Use standards.* In all zones, the following standards apply.

- (1) The use must extinguish all activity area lighting at the close of business or 11:00 p.m., whichever is earlier.

**Sec. 25.6.4.29. Retail Establishment.**

(a) *Definition.*

- (1) Retail Establishment means an establishment serving as a point of sale of merchandise to the general public. Retail Establishment does not include Alcoholic Beverage Retail Establishments, Cannabis Dispensaries, and Tobacco and Vape Shops.

(b) *Conditional use standards.*

- (1) In the I-L zone, the use must be accessory to a principal use and is limited to 25 percent of the gross floor area.
- (2) In the MXT zone, Retail Establishments must not exceed 5,000 square feet of gross floor area, except for grocery stores and pharmacies.

**Sec. 25.6.4.30. Shooting Gallery.**

(a) *Definition.*

- (1) Shooting Gallery means any establishment which, as part of its activities, provides a location in which firearms are discharged indoors.

(b) *Special Exception use standards.* In the I-L and I-H zones, Shooting Galleries may be permitted by the Board of Appeals under Article 4, Section 3, subject to the following requirements.

- (1) A Shooting Gallery must not locate within 200 feet of a residential zone.
- (2) The facility's design must comply with occupational safety standards, including air filtration for lead and noise exposure limits (e.g., OSHA 29 CFR 1910.1025 for lead, 29 CFR 1910.95 for noise).
- (3) The applicant must supply a security plan which at a minimum contains a continuously operating video surveillance system located on all exterior entrances.
- (4) The applicant must provide a plan for the safe removal and disposal of lead and lead dust. Lead and lead dust may not be disposed of in either the storm system or the sanitary sewer system.
- (5) A coded keypad lock must be installed at each entrance into the Shooting Gallery.
- (6) The Shooting Gallery must be constructed in such a manner that a bullet of the maximum caliber fired within the range cannot escape from the structure.
- (7) The range portion of the Shooting Gallery must utilize bullet traps that prevent the bullet from escaping from the structure and, in addition, minimize the escape of lead particles into the air, both inside and outside the structure.
- (8) A first-aid kit containing items recommended by a certified expert in emergency medical treatment must be readily available in the range facility for emergency treatment or care for minor injuries.

**Sec. 25.6.4.31. Studio.**

(a) *Definition.*

- (1) Studio means a building or room used for the creation or practice of various forms of art, including but not limited to painting, sculpture, photography, music, and dance. This definition includes instruction that is accessory to the principal use.

#### Sec. 25.6.4.32. Swimming Pool.

(a) *Definition.*

- (1) Swimming Pool means a structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes. This use does not include accessory swimming pools.

(b) *Conditional use standards.*

- (1) In the R-400, R-200, R-150, R-90, R-75, and R-60 zones Swimming Pools are permitted subject to the following standards:
  - A. *Legal capacity.* The number of persons allowed on the lot on which the Swimming Pool is located must not exceed the sum of the following:
    1. One person for each 10 square feet of water surface where the water depth is less than five feet; and
    2. One person for each 24 square feet of water surface where the water depth is five feet or greater, excluding 300 square feet of such water surface which shall be required for each diving board or diving platform.
  - B. The following dimensional and development standards apply:
    1. *Setbacks.* A Swimming Pool must meet the following setbacks:
      - i. Abutting railroad rights-of-way, publicly owned land except street rights-of-way or land in a nonresidential zone: 25 feet.
      - ii. Abutting all other land, including street rights-of-way: 75 feet.
    2. *Minimum lot area.* The minimum lot size of any Swimming Pool must be in accordance with Table 6.4.32-1, below, and the legal capacity of the Swimming Pool pursuant to Sec. 25.6.4.32(b)(1)A:

**Table 6.4.32-1: Minimum Swimming Pool Lot Area**

| Legal Capacity of Swimming Pool (Persons) | Minimum Lot Area (Acres) |
|-------------------------------------------|--------------------------|
| 0 to 350                                  | 3                        |
| 351 to 438                                | 3.5                      |
| 439 to 525                                | 4                        |
| 526 to 613                                | 4.5                      |
| 614 to 700                                | 5                        |

3. *Minimum deck size.* A Swimming Pool must have a pool apron, deck, or other structure surrounding the pool proper of at least 20 square feet multiplied by the legal capacity of the Swimming Pool pursuant to Sec. 25.6.4.32(b)(1)A.

- (2) In the Park zone, Swimming Pools must be City-owned or -operated.

#### **Sec. 25.6.4.33. Theater.**

(a) *Definition.*

- (1) Theater means a facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

#### **Sec. 25.6.4.34. Tobacco and Vape Shop.**

(a) *Definition.*

- (1) Tobacco and Vape Shop means any retail establishment that devotes at least 10 percent of its floor area to the sale or display of tobacco products or electronic smoking devices or allows customers to vape or smoke (each as defined in City Code subsection 13-21(a)) indoors on site.

(b) *Use standards.* In all zones, the following standards apply:

- (1) A Tobacco and Vape Shop must not be located on a parcel that is within 1,000 feet of a parcel on which one or more of the following uses are located:
  - A. Destination park, citywide park, or neighborhood park as classified by the City of Rockville Recreation and Parks Strategic Plan, as adopted December 7, 2020;
  - B. Public or private elementary school;
  - C. Public or private middle school; or
  - D. Public or private high school.
- (2) A Tobacco and Vape Shop is deemed a nonconforming use subject to the requirements of Sec. 25.9.1 if a use listed in Sec. 25.6.4.34(b)(1), above, is established on a parcel within 1,000 feet of the parcel on which the Tobacco and Vape Shop is located after the Tobacco and Vape Shop began lawfully operating.

#### **Sec. 25.6.4.35. Veterinary Service.**

(a) *Definition.*

- (1) Veterinary Service means a facility staffed by at least one veterinarian licensed by the State, dedicated to the medical treatment and care of animals. This includes facilities that provide care on both an outpatient basis and facilities that keep animals overnight exclusively for medical purposes.

(b) *Use standards.* In all zones, the following standards apply:

- (1) The facility must operate entirely indoors, except for outdoor runs.
- (2) Outdoor runs must be entirely enclosed by a fence at least six feet in height, and, except in the I-L zone, must be located at least 100 feet from any lot line.

(c) *Conditional use standards.*

- (1) In the R-400 and R-200 zones, the following additional standards apply:
  - A. Minimum lot area. The use must be located on a lot of at least one acre.
  - B. Structures for the overnight keeping of animals must be located 50 feet of any residential use.
- (2) In the MXT zones, Veterinary Services must not exceed 2,500 square feet of gross floor area.

#### **Sec. 25.6.4.36. Wholesale Establishment.**

(a) *Definition.*

- (1) Wholesale Establishment means an establishment that primarily sells goods to other businesses, retailers, or resellers, rather than directly to consumers.

(b) *Conditional use standards.* In the MXCD, MXCT, MXE, and MXB zones, the following standards apply:

- (1) Wholesale Establishments are limited to 20,000 square feet of gross floor area.
- (2) 20 percent of the floor area may be devoted to retail sales or a showroom, which must be accessed from and facing a public street.
- (3) Loading docks and loading or unloading activities must occur at the rear of the structure.

### **Division 6.5. Institutional and Public Uses**

#### **Sec. 25.6.5.1. Adult Day Care.**

(a) *Definition.*

- (1) Adult Day Care means a licensed facility in which day care services are provided to four or more persons over the age of 16, for any part of a 24-hour period in accordance with all applicable State and County laws and regulations.

(b) *Use standards.*

- (1) For facilities serving nine or more individuals, a dedicated pick-up and drop-off zone must be provided adjacent to the main entrance of the Adult Day Care. The area must:
  - A. Allow safe, unobstructed vehicle access for passenger loading and unloading;
  - B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;
  - C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and
  - D. Include curb cuts and clear signage directing visitors and service providers to the zone.

- (2) If outdoor activity areas are provided, these areas must be enclosed by a fence or barrier at least four feet in height designed to ensure resident safety and prevent unauthorized entry and exit.
- (c) *Conditional use standards.*
- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, the following standards apply.
    - A. Adult Day Cares must meet the following lot size standards, based on the maximum number of individuals receiving services at any one time.

**Table 6.5.1-1: Minimum Adult Day Care Lot Area**

| Number of Individuals Receiving Services | Minimum Lot Area (sq. ft.)                                   |
|------------------------------------------|--------------------------------------------------------------|
| 9 to 12                                  | 7,000                                                        |
| 13 to 25                                 | 10,000                                                       |
| 26 to 40                                 | 20,000                                                       |
| More than 40                             | 30,000 plus 500 sq. ft. for each individual over 40 persons. |

#### **Sec. 25.6.5.2. Charitable or Philanthropic Institution.**

- (a) *Definition.*
- (1) Charitable or Philanthropic Institution means a private, non-profit, and tax-exempt organization that is not organized or operated for commercial purposes.
  - (2) Charitable or Philanthropic Institution includes offices to support the use.
- (b) *Conditional use standards.*
- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, and RHD zones, the following standards apply.
    - A. The use may only consist of offices. No services, educational activities, or similar may be operated in these zones.
    - B. Minimum lot area: 25,000 square feet.
    - C. Minimum lot frontage: 150 feet.
    - D. Setbacks:
      1. Front yard: 35 feet.
      2. Side yard: A distance equal to at least twice the height of the tallest building on the lot containing the use.

3. Rear yard: 40 feet.
- (2) In the MXB zone, the use must not exceed 5,000 square feet in gross floor area.

### **Sec. 25.6.5.3. Child Care Center.**

#### **(a) Definition.**

- (1) Child Care Center means a facility in which child day care services are provided to children in accordance with all applicable State and County laws and regulations. This use does not include Child Care Homes.

#### **(b) Use standards.** In all zones, the following standards apply:

- (1) The use must satisfy all applicable State and County requirements.
- (2) For facilities serving nine or more children, a dedicated pick-up and drop-off zone must be provided adjacent to the main entrance of the Child Care Center. The area must:
  - A. Allow safe, unobstructed vehicle access for passenger loading and unloading;
  - B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;
  - C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and
  - D. Include curb cuts and clear signage directing visitors and service providers to the zone.
- (3) Outdoor activity areas must be enclosed by a fence or barrier no less than four feet in height designed to ensure occupant safety and prevent unauthorized entry and exit.
- (4) Any outdoor play or activity area must be safely accessible without crossing any hazardous area, such as a street or driveway.

#### **(c) Conditional use standards.**

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, the following standards apply:
  - A. Child Care Centers must meet the following lot size standards, based on the maximum number of children being cared for at any one time.

**Table 6.5.3-1: Minimum Child Care Lot Area**

| <b>Number of Children in Care</b> | <b>Minimum Lot Area (sq. ft.)</b> |
|-----------------------------------|-----------------------------------|
| 9 to 12                           | 7,000                             |
| 13 to 25                          | 10,000                            |
| 26 to 40                          | 20,000                            |

| Number of Children in Care | Minimum Lot Area (sq. ft.)                                       |
|----------------------------|------------------------------------------------------------------|
| More than 40               | 30,000 plus 500 sq. ft. for each child in care over 40 children. |

#### **Sec. 25.6.5.4. Crematorium.**

(a) *Definition.*

- (1) Crematorium means an establishment or portion of an establishment used for the cremation of the remains of deceased persons or animals.

#### **Sec. 25.6.5.5. Cultural Institution.**

(a) *Definition.*

- (1) Cultural Institution means any privately owned or operated structure and land where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material are offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art exhibit, and library.

(b) *Use standards.* In all zones, the following standard applies:

- (1) Cultural Institutions may include accessory Retail Establishments such as gift shops, provided that the accessory Retail Establishment comprises no more than 20 percent of the Cultural Institution's gross floor area.

(c) *Conditional use standards.*

- (1) In the I-L zone, Cultural Institutions must be accessory to a principal use.

#### **Sec. 25.6.5.6. Educational Institution, Private.**

(a) *Definition.*

- (1) Private Educational Institution means a privately operated school that provides structured academic or vocational instruction and that is staffed by regularly employed instructors and administrators. This use includes preschools, primary and secondary schools, post-secondary institutions, and trade or technical schools that offer certifications, diplomas, or degrees. This use does not include private educational institutions that are accessory to a Place of Worship.

(b) *Conditional use standards.*

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, RHD, MXNC, and MXT zones, the following standards apply:
- (2) Institutions which offer any general academic instruction at levels above the eighth grade must comply with the following:

- A. The lot area must be at least one acre plus 875 square feet for each student in excess of 50;
  - B. The lot frontage must be at least 300 feet;
  - C. The front yard and rear yard building setback must be at least 50 feet; and
  - D. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard.
- (3) Kindergartens and nursery schools must comply with the following:
- A. The lot area must be at least 10,000 square feet for up to 30 students;
  - B. The lot frontage must be at least 100 feet;
  - C. The front yard building setback must be at least 35 feet;
  - D. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard; and
  - E. The rear yard building setback must be at least 40 feet.
- (4) All other Private Educational Institutions must comply with the following:
- A. Where the maximum attendance at any one time does not exceed 40 students, Institutions must comply with the following:
    - 1. The lot area must be at least 10,000 square feet for up to 20 students, plus 500 square feet for each student over 20 students;
    - 2. The lot frontage must be at least 150 feet;
    - 3. The front yard building setback must be at least 35 feet;
    - 4. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard; and
    - 5. The rear yard building setback must be at least 40 feet.
  - B. Where the maximum attendance at any one time exceeds 40 students, the Institution must comply with the following:
    - 1. The lot area must be at least one acre, plus 700 square feet for each student, over 60 students;
    - 2. The lot frontage must be at least 200 feet;
    - 3. The front yard and rear yard building setback must be at least 50 feet; and

4. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard.

**Sec. 25.6.5.7. Park.**

(a) *Definition.*

- (1) Park means land owned or administered by a branch of government and available to the general public for recreational purposes.

**Sec. 25.6.5.8. Place of Worship.**

(a) *Definition.*

- (1) Place of Worship means a building or facility used for religious practices, including, but not limited to a church, synagogue, mosque, convent, or monastery. This definition also includes private educational institutions located on the same lot as, and subordinate to, the principal use.

**Sec. 25.6.5.9. Public Utility Structure.**

(a) *Definition.*

- (1) Public Utility Structure means buildings and structures of a public utility company for the housing of switching equipment, regulators, and stationary transformers for supplying electric service; telephone offices and exchanges; radio and television stations; and buildings and structures of similar nature and characteristics. The term Public Utility Structure does not include a Wireless Communication or Publicly-Owned or -Operated Facilities.

(b) *Conditional use standards.* In the RMD-10, RMD-15, RMD-25, RHD, and MXT, the following standards apply:

- (1) The use must be screened from all abutting residential properties by a solid fence at least six feet in height and a landscaped buffer at least ten feet wide; or
- (2) The use must incorporate high quality materials like brick, stone, decorative panels, wood, or precast concrete.
- (3) The site must be maintained free of debris and graffiti.
- (4) Security lighting on-site must be fully shielded, motion-activated, and oriented downward to prevent off-site glare.

(c) *Special Exception use standards.*

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, and Park zones, Public Utility Structures may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the requirements of Sec. 25.6.5.(b), above.

#### **Sec. 25.6.5.10. Publicly-Owned or -Operated Facility.**

*(a) Definition.*

- (1) Publicly-Owned or -Operated Facility means any structure or use that is operated or funded by a governmental agency or entity for a public purpose. This use does not include sanitary landfills or Parks.

#### **Sec. 25.6.5.11. Wireless Communication Facility.**

*(a) Definition.*

- (1) Wireless Communication Facility means one or more antennas designed for the purpose of emitting radiofrequency radiation and operating from a fixed location pursuant to Federal Communications Commission authorization, along with associated support structures and equipment, switches, wiring, cabling, power sources, shelters, or cabinets located at the same fixed location as the antenna or antennas.

*(b) Purpose.*

- (1) The purpose of this section is to provide a uniform and comprehensive set of standards for the development and installation of Wireless Communication Facilities, related structures, and equipment. The regulations and requirements contained herein are intended to:
  - A. Regulate the placement, construction, and modification of Wireless Communication Facilities in order to protect the health, safety, and welfare of the public and the aesthetic quality of the City; and
  - B. Encourage managed development of wireless communication infrastructure, while at the same time not unreasonably interfering with the development of the competitive wireless communication marketplace in the City.
- (2) This section is intended to promote the following objectives:
  - A. To minimize the total number of Wireless Communication Facilities and antenna support structures throughout the community through siting standards;
  - B. To provide for the appropriate location and development of Wireless Communication Facilities and related structures and equipment within the City, and, to the extent possible, minimize potential adverse impacts on the community;
  - C. To minimize adverse visual impacts of Wireless Communication Facilities and related structures and equipment through careful design, siting, landscape screening, and innovative camouflaging techniques, such as stealth technology, and utilizing current and future technologies;
  - D. To promote and encourage shared use/collocation of antenna support structures;

- E. To maintain and preserve the existing residential character of the City and its neighborhoods and promote the creation of a convenient, attractive, and harmonious community;
  - F. To promote the safety of citizens and avoid the risk of damage to adjacent properties by ensuring that Wireless Communication Facilities and related structures and equipment are properly designed, constructed, located, modified, maintained, and removed;
  - G. To ensure that Wireless Communication Facilities and related structures and equipment are compatible with surrounding land uses;
  - H. To encourage: the location of antennas on existing buildings or other structures; collocation of new antennas on existing antenna support structures; camouflaged antenna support structures; and construction of antenna support structures with the ability to locate three or more providers or users; and
  - I. To maintain and ensure that a non-discriminatory, competitive, and broad range of high-quality wireless communication services and high-quality wireless communication infrastructure consistent with laws are available to the community.
- (c) *Wireless Communication Facilities attached to existing structures.* Wireless Communication Facilities attached to the roof or side of a building, or attached to an existing structure must comply with the following:
- (1) The building or other structure on which a Wireless Communication Facility is to be installed must be at least 35 feet in height if used for nonresidential purposes and 50 feet in height if used for Apartment purposes. In a mixed-use development, the Apartment standard applies. Except as provided in Sec. 25.6.6.11(f), Wireless Communication Facilities are not permitted on any Single-Unit Detached Dwelling or appurtenant accessory building or structure.
  - (2) The antennas and antenna support structures must be located and designed to minimize visual impacts through various methods, including, but not limited to, the use of stealth technology. Antennas and antenna support structures must be installed according to the following order of preference, with Sec. 25.6.6.11(c)(2)A, below, being the preferred option.
    - A. Antennas must be flush mounted on existing structures, or on either rooftop enclosures or the side of a building and closely match the color and architectural treatment of the structure, enclosure, or building.
    - B. Antennas must be flush mounted on expanded rooftop mechanical equipment enclosures, with the enclosures and antennas designed to be consistent with the architectural treatment and color of the building.
    - C. Antennas must be enclosed with screening that is consistent with the architectural treatment and color of the building or structure.

- D. Antennas and support structures must be painted or otherwise treated to minimize their visibility.
  - 1. Use of a lower preference location is permitted only if an applicant provides detailed justification as to why higher preference locations are not suitable.
- (3) Antennas and supporting structures are permitted to exceed the height of the building or structure to which they are attached by a maximum of 19 feet. The height above a building must be measured from the finished roof elevation, and not from the roof of any equipment enclosure.
- (4) Antennas must comply with the following size standards:
  - A. Whip antennas must be no more than seven inches in diameter; and
  - B. Panel antennas must be no more than two feet wide and six feet long.
- (5) An equipment building or cabinet may be located on the roof of a building provided it and all other roof structures do not occupy, in the aggregate, more than 25 percent of the roof area.
- (6) When an antenna is located on a stadium light or utility pole, the total height of the antenna plus the pole or light must not exceed 125 percent of the average height of the lighting system at the stadium or run of poles within 500 feet of the pole on which the antenna is located.
- (d) *Wireless Communication Facility located on freestanding ground-mounted antenna support structure.*
  - (1) *Scope.* This subsection applies to Wireless Communication Facilities mounted on free-standing antenna structures.
  - (2) *Special Exception.* Wireless Communication Facilities covered by this section require the approval of a Special Exception in accordance with the applicable provisions of Article 4, Division 7.4.
  - (3) *Additional findings required.* The following additional findings must be made for the granting of a Special Exception:
    - A. The location selected is necessary for the public convenience and service and cannot be supplied with equivalent public convenience on a building or structure or collocated on an existing antenna support structure; and
    - B. For new antenna support structures to be located in a residential zone or within 500 feet of a residential zone, it must be demonstrated that a good faith effort has been made to locate the proposed antenna support structure in a nonresidential zone more than 500 feet from the residential zone, with adequate coverage and on an isolated site with minimal visual impact.

- (4) *Independent consultant.* The City may hire an independent consultant to review evidence submitted by the applicant, and the applicant must reimburse the City for the reasonable cost of hiring and utilizing such a consultant.
- (5) *Development standards.*
- A. The maximum height of the facility, including antenna and other attachments, is 50 feet in a residential zone or within 500 feet of a residential zone, and 199 feet in all other locations. Height must be measured vertically from the pre-disturbance ground level at the center of the support structure.
  - B. Monopoles are the preferred type of freestanding antenna support structure.
  - C. No commercial or promotional signs, banners, or similar devices or materials are permitted on antenna support structures.
  - D. The ground-mounted antenna support structure must be located and designed in a manner that is harmonious with surrounding properties, to the extent practicable. Antenna support structures must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. When practicable, available stealth structure design techniques must be used.
  - E. Wireless Communication Facilities must be located on City-owned property, if feasible.
  - F. Antenna support structures must be set back one foot for every foot of height of the structure, measured from the base of the structure to each adjoining property line or right-of-way.
  - G. Lights are not permitted on antenna support structures unless they are required for aircraft warnings or other safety reasons, or to comply with applicable laws and regulations. If required, minimum lighting requirements must be applied, and strobe lights must be avoided unless specified by the Federal Aviation Administration or the Federal Communications Commission.
  - H. Outdoor storage of equipment or items related to the Wireless Communication Facility is prohibited on sites with antenna support structures.
  - I. All antenna support structures erected as part of a Wireless Communication Facility must be designed to accommodate collocation of additional wireless communication carriers. New antenna support structures of a height of 150 feet or more must be designed to accommodate collocation of a minimum of four additional providers either upon initial construction or through future modification to the antenna support structure. Antenna support structures of less than 150 feet must be designed to accommodate collocation of a minimum of two additional providers.

- J. Prior to construction, each applicant must provide certification from a registered structural engineer that the structure will meet pertinent design, construction, installation, and operation standards, including but not limited to the applicable standards of the Electronics Industries Association (EIA), the Telecommunications Industry Association (TIA), ANSI, and the BOCA Code in effect at the time of the building permit application.
  - K. Upon completion of any sale or sublease of an antenna support structure, the owner of an antenna support structure must provide written notice to the City's Inspection Services Division.
  - L. The owner of a ground-mounted antenna support structure, at the owner's expense, must remove antenna support structures when a Wireless Communication Facility is not used for wireless purposes for a period of 180 days in a 12-month period. The owner of a ground-mounted antenna support structure must immediately notify the City, in writing, of nonuse or abandonment of the structure upon its cessation as a Wireless Communication Facility. Failure to remove an abandoned or unused ground-mounted antenna support structure will result in removal of the structure by the City at the expense of the owner.
  - M. When a ground-mounted antenna support structure is removed by an owner, said owner must apply for a demolition permit to remove the tower. A condition of the demolition permit is to restore the site to the standards required by the building code in effect at the time, at no expense to the City.
- (e) *Equipment enclosures located at ground level standards.* Equipment enclosures located at ground level must comply with the following standards:
- (1) Each enclosure that contains the equipment of a single provider must not exceed 560 square feet of gross floor area and 12 feet in height; if more than one provider is to be accommodated in an enclosure, a single enclosure must be constructed to accommodate the maximum number of providers that are required to collocate on the antenna support structure, up to a maximum of 1,500 square feet in area and 12 feet in height.
  - (2) The enclosure must conform to the applicable setback standards for main structures in the zone in which the property is located; setback standards for accessory buildings and structures in Article 8, Division 8.1 are not applicable to equipment enclosures.
  - (3) The enclosure must be screened to provide year-round screening. This standard may be met by one or a combination of the following: fencing, walls, landscaping, structures or topography which will block the view of the equipment shelter as much as practicable from any street or adjacent properties. In areas of high visibility, fencing may be wrought iron, masonry, or other decorative fencing material.
  - (4) Lighting associated with equipment structures must be directed so as to minimize any negative impact of such lighting on adjacent properties.

- (5) When constructed as a freestanding building, the design of the enclosure must be coordinated with the design of the existing main building on the same lot, or if there is no building on the lot, with the buildings on an adjoining lot, to the extent practicable. In addition, the enclosure must be constructed of non-reflective materials.
  - (6) When attached to an existing building, the enclosure must be designed in a manner that is harmonious with the existing building and surrounding properties.
  - (7) The equipment enclosure must be removed at the cost of the owner when the Wireless Communication Facility is no longer being used by a wireless communication provider. Failure to remove abandoned equipment will result in removal by the City at the expense of the owner.
- (f) *Waivers permitted.*
- (1) *Regulated satellite earth station antennas.*
    - A. Any person or entity seeking to install or erect a satellite earth station antenna subject to this Section, other than an antenna specified in Sec. 25.6.6.11(f)(1)A.2 below, may apply for a waiver from one or more of the provisions of Sec. 25.6.6.11, and the Board of Appeals may grant such a waiver pursuant to applicable procedures and standards if it is shown that:
      1. The provision(s) of Section 25.6.6.11 at issue materially limit or inhibit the transmission or reception of satellite signals at the waiver applicant's property or the provision(s) at issue impose more than a minimal cost on the waiver applicant;
      2. The waiver, if granted, would not result in any noncompliance with applicable laws, regulations, and codes (including, but not limited to, safety and building codes); and
      3. The waiver sought is the minimum waiver necessary to permit the reception or transmission of satellite signals at the waiver applicant's property.
    - B. The Board of Appeals is authorized to grant a complete or partial waiver to any provision of Sec. 25.6.6.11. In addition, the Board of Appeals may impose a lesser requirement instead of granting a complete waiver of any provision in this section if a complete waiver is not necessary to permit reception or transmission of amateur service communications at the waiver applicant's property, and the lesser requirement will allow the reception or transmission of satellite signals. The Board of Appeals shall not condition a waiver upon an applicant's expenditure of a sum of money, including costs required to screen, pole-mount, or otherwise specially install a satellite earth station antenna, over and above the aggregate purchase or total lease cost of the equipment as normally installed, if such sum would be greater than the aggregate purchase or total lease cost of the equipment as normally installed.

(2) *Wireless Communication Facilities for amateur service communications.*

- A. Any person or entity seeking to install or erect a Wireless Communication Facility in the City for the purpose of engaging in amateur radio communications may apply for a waiver from one or more of the provisions of Sec. 25.6.6.11, and the Board of Appeals may grant such a waiver pursuant to applicable procedures and standards if it is shown that:
  - 1. The provision(s) of Sec. 25.6.6.11 at issue preclude amateur service communications, do not reasonably accommodate amateur service communications at the waiver applicant's property or do not constitute the minimum practicable regulation to accomplish the City's health, safety, and welfare objectives;
  - 2. The waiver, if granted, would not result in any noncompliance with applicable laws, regulations and codes (including, but not limited to, FCC regulations concerning amateur radio transmission and reception); and
  - 3. The waiver sought is the minimum waiver necessary to reasonably accommodate amateur service communications at the waiver applicant's property.
- B. The Board of Appeals is authorized to grant a complete or partial waiver to any provision of Sec. 25.6.6.11. In addition, the Board of Appeals may impose a lesser requirement instead of granting a complete waiver of any provision in this section if a complete waiver is not necessary to permit reception or transmission of amateur service communications at the waiver applicant's property, and the lesser requirement:
  - 1. Will not preclude amateur service communications; and
  - 2. Is the minimum practicable regulation to accomplish the City's health, safety, and aesthetic objectives.
- C. In determining whether to grant a complete or partial waiver of any provision in Sec. 25.6.6.11 or to impose a lesser requirement, the Board must reasonably accommodate amateur radio communications.

(3) *All other Wireless Communication Facilities.*

- A. The Board of Appeals is authorized to grant a waiver from any and all of the standards of Sec. 25.6.6.11, except for the height restrictions for a freestanding antenna support structure in subsection c. of this section, upon showing that compliance with this section would impose an undue hardship or prohibit or have the effect of prohibiting the provision of wireless communication services or would result in unreasonable discrimination among providers of functionally equivalent wireless communication services.

- B. Waiver requests from the height restrictions in Sec. 25.6.6.11(d)(5) for a freestanding antenna support structure may be granted by the Mayor and Council upon showing that compliance with this section would impose an undue hardship or prohibit or have the effect of prohibiting the provision of wireless communication services or would result in unreasonable discrimination among providers of functionally equivalent wireless communication services. When requesting a height waiver under this provision, the applicant must submit evidence to the Mayor and Council that the height requested for the freestanding antenna support structure is the minimum height necessary to provide adequate coverage for the area that is being served by the structure. The Mayor and Council, in reviewing any waiver request from this section, must also consider the impact that the increased height of the antenna support structure would have on properties in the area surrounding the proposed structure, including, but not limited to, the visibility of the structure from residences and proposed methods of mitigating the visibility of the structure.
- C. This Sec. 25.6.6.11(f)(3) does not apply to antennas and Wireless Communication Facilities specified in Secs. 25.6.6.11(f)(1) and (2).

(4) *Procedures for all waivers.*

- A. Unless the Mayor and Council adopt by resolution different procedures for processing waivers from the height restrictions contained in Sec. 25.6.6.11(f)(3), all waivers of this section must be processed in accordance with the procedures applicable to variances contained in Sec. 25.4.5.1.
- B. A waiver applicant must provide supporting evidence and all information requested by the City. The City may hire an independent consultant to review such evidence, and the applicant must reimburse the City for the reasonable cost of hiring and utilizing such a consultant.

## **Division 6.6. Industrial Uses**

### **Sec. 25.6.6.1. Alcoholic Beverage Production.**

(a) *Definition.*

- (1) Alcoholic Beverage Production means the production of any alcoholic beverage or neutral spirits by means of distilling, fermenting, brewing, or rectifying under the following Maryland State manufacturer's license classifications: Classes 1, 2, 3, and 5.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Areas for the tasting or sampling of products are permitted in accordance with State law.

(c) *Conditional use standards.*

- (1) In the I-L zone, Alcoholic Beverage Production must not abut or confront a residential use in a residential zone.
- (2) In the MXB zone, Alcoholic Beverage Production must not be located within 500 feet of a residential use in a residential zone.

#### **Sec. 25.6.6.2. Artisanal Craft Production.**

(a) *Definition.*

- (1) Artisanal Craft Production means the production of specialty products by entrepreneurs which involve a substantial degree of hand work. Examples of such products include, but are not limited to, fine art, pottery, art glass, custom furniture, jewelry, food, drink and similar products. This does not include Alcoholic Beverage Production.

(b) *Conditional use standards.*

- (1) In the I-L zone, any sale of items produced on site must be accessory to the principal use.

#### **Sec. 25.6.6.3. Data Center or Data/Cryptocurrency Mining.**

(a) *Definition.*

- (1) Data Center or Data/Cryptocurrency Mining means a physical facility used primarily for the storage, processing, and distribution of digital data or computes the "mining" function and executes the associated administrative/accounting tasks for cryptocurrency mining.

#### **Sec. 25.6.6.4. General Warehousing.**

(a) *Definition.*

- (1) General Warehousing means the indoor storage of goods, wares, and merchandise which will be processed, sold, transferred, or otherwise disposed of for ultimate consumption off the premises or through e-commerce.

#### **Sec. 25.6.6.5. Industrial, Heavy.**

(a) *Definition.*

- (1) Heavy Industrial means industrial activity where such activity generates substantial air or waste pollution, dust, noise, smoke, odors, or other potentially adverse emanations. Examples include, but are not limited to rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing houses; waste processing; and manufacture or packaging of cement products, fertilizer, glue, paint, petroleum products, turpentine, varnish, or charcoal. This definition does not include Alcoholic Beverage Production.

#### **Sec. 25.6.6.6. Industrial, Light.**

*(a) Definition.*

- (1) Light Industrial means industrial activity where such activity does not generate substantial air or waste pollution, dust, noise, smoke, odors, or other potentially adverse emanations. Such uses include but are not limited to contractor's storage yards; commercial greenhouses; outdoor storage lots and lumberyards; bottling plant; dry cleaning plant; automotive body shop; light manufacturing; blacksmith; specialty trade contractors providing services to alter, remodel, repair, or replace a building or part of a building used as a residence, including but not limited to roofing, flooring, tiling, windows, brick and stone masonry; and similar uses. This definition does not include Research & Development.

*(b) Conditional use standards.*

- (1) In the I-L zone, lumberyards must not abut the R-400, R-200, R-150, R-90, R-75, R-60, R-40, or RMD-Infill zones.
- (2) In the MXE zone, lumberyards are not permitted.
- (3) In the MXB zone, Light Industrial uses:
  - A. Must consist only of specialty trade contractors providing services to alter, remodel, repair or replace a building or part of a building used as a residence; or assembly of electrical and electronic appliances and equipment and precision instruments; and
  - B. Must not abut or confront Single Unit Detached Dwellings.

#### **Sec. 25.6.6.7. Research and Development.**

*(a) Definition.*

- (1) Research and Development means study, research, or experimentation using materials in one or more fields such as life sciences, electronics, robotics, prototype development, biology, biophysics, biochemistry, bioelectronics, biotechnology, cybernetics, nanotechnology, biomedical engineering, bioinformatics, clinical engineering, diagnostics, drug production, embryology, genetic testing, immunology, medicine, nutraceuticals, pharmacogenomics, and therapeutics. This includes the marketing of resultant products and related activities, and the use of accessory administrative offices, educational facilities, libraries, and data services. This use also includes accessory manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products resulting from on-site research.

#### **Sec. 25.6.6.8. Self-Storage Facility.**

*(a) Definition.*

- (1) Self-Storage Facility means a building or group of buildings divided into separate compartments with controlled access and leased to customers for self-service storage

of property. Such use may also be referred to as a mini-warehouse or ministorage facility.

(b) *Use standards.* In all zones, the following standards apply:

- (1) In all zones, a Self-Storage Facility is not permitted on a lot within 250 feet of any lot on which a public school is located.
- (2) In all zones, the use must not adjoin or confront Single-Unit Detached Dwellings.

(c) *Conditional use standards.*

(1) In the MXE zone, the following additional standards apply.

- A. The use is only permitted on a site that abuts a site that is zoned to accommodate Heavy Industrial uses, except as provided in Sec. 25.6.6.8(c)(1)B.
- B. Any Self-Storage Facility in the MXE zone that does not conform to Sec. 25.6.6.8(c)(1)A but is subject to an approved site plan as of **effective date of this Chapter** may continue as a conforming use until July 8, 2029, except that it may not be expanded, altered, or enlarged beyond the size and configuration of the original site plan approval. After July 8, 2029, such a Self-Storage Facility use in the MXE zone will be considered nonconforming.

(2) In the MXB zone, the following additional standards apply:

- A. The use must not adjoin or confront Single-Unit Detached Dwellings.

## **Division 6.7. Automotive Uses**

### **Sec. 25.6.7.1. Automobile Recreational Vehicles Sales or Rental Establishment.**

(a) *Definition.*

- (1) Automobile and Recreational Vehicle Sales or Rental Establishment means a principal use consisting of the selling, renting, or leasing of personal or recreational vehicles, including cars, light trucks and SUVs, motorcycles, RVs, ATVs, motorized recreational equipment, and motorized watercraft, which may also include incidental repair or service. This use includes accessory and incidental sales and storage areas.

(b) *Use standards.* In all zones, the following standards apply:

- (1) Outdoor Sales and Storage areas that are accessory to the Automobile and Recreational Vehicle Sales or Rental Establishment use:
  - A. Are not considered as part of the gross floor area of the use; and
  - B. Must conform to all applicable standards of Sec. 25.6.4.23.
- (2) Where an Automobile and Recreational Vehicle Sales or Rental Establishment abuts a residential zone, all buildings, off-street parking and loading areas, and all Outdoor Sales and Storage areas must be set back 50 feet from the abutting residentially zoned property.

- (3) The storage of waste materials, auto parts, refuse, or motor vehicles is prohibited in any required setback area.
- (4) The storage, display, sale, or leasing of vehicles that are not in operating condition is prohibited.
- (c) *Conditional use standards.*
  - (1) In all MXTD zones, as well as the MXCD, MXCT, MXC, MXE, and MXB zones, the following additional standards apply:
    - A. The use may include the sale of boats provided that the sales and associated storage occur entirely indoors.
    - B. The sale or rental of trucks and trailers exceeding ¾ ton capacity is prohibited.
  - (2) In all MXTD zones, the following additional standards apply:
    - A. Sales and rental are limited to non-commercial vehicles and passenger vans. The sale or rental of commercial trucks or recreational vehicles is prohibited.
    - B. All vehicles available for sale or rental must be stored in a showroom or structured parking facility.
    - C. All ground floor showrooms must have a ground-floor transparency of 50 percent between four and eight feet above grade.
    - D. Maintenance and refueling of the vehicles available for sale or rental may not occur on-site.
    - E. Incidental repair and service is prohibited, except on properties containing an automobile and recreational vehicle sales or rental establishment established before and continually operating since March 16, 2009.
  - (3) In the MXC and MXE zones, the use may only consist of automobile rental. No vehicle sales may occur on site.

**Sec. 25.6.7.2.      Automobile Repair Establishment.**

- (a) *Definition.*
  - (1) Automobile Repair Establishment means any building, structure, or area used for automobile repair, body work and painting, detailing, tinting, stereo/audio system services, glass repair, fluid maintenance, or servicing including the accessory sale of oils, grease and coolants, or parts, but not including fuel.
- (b) *Use standards.* In all zones, the following standards apply.
  - (1) Vehicles must not be serviced or stored for customers on or within the public right-of-way.
  - (2) Parking spaces may not be offered for rent.

#### **Sec. 25.6.7.3. Automobile Service Establishment.**

(a) *Definition.*

- (1) Automobile Repair and Service Establishment means any building, structure, or area used for automobile service activities such as routine fluid maintenance (servicing of fluids related to engine, transmission, differential, power steering, battery, brakes, cooling, and windshield washer systems), muffler repair, and tire installation.

(b) *Use standards.* In all zones, the following standards apply.

- (1) Vehicles must not be serviced or stored for customers on or within the public right-of-way.
- (2) Parking spaces may not be offered for rent.

(c) *Conditional use standards.*

- (1) In the MXCD and MXE zones, vehicle storage is not permitted on site, except those temporarily awaiting service during the business hours of the establishment.

#### **Sec. 25.6.7.4. Automobile Towing Establishment.**

(a) *Definition.*

- (1) Automobile Towing Establishment means an establishment operated for the purpose of towing vehicles from one location to another and which may include temporary storage on-site of inoperable motor vehicles.

(b) *Use standards.* The following standards apply to all zones:

- (1) Vehicles may not be stored on the premises.

#### **Sec. 25.6.7.5. Car Wash.**

(a) *Definition.*

- (1) Car Wash means an establishment where the principal use is the commercial washing of vehicles either by hand or by automated/semi-automated methods. Interior detailing may be accessory.

(b) *Use standards.* In all zones, the following standards apply:

- (1) The site must have direct vehicular access to a public street. Vehicular access from the site to any residential street is prohibited.
- (2) The use must provide required stacking spaces as described in Sec. 25.8.2.10.

#### **Sec. 25.6.7.6. Drive-Through Window.**

(a) *Definition.*

- (1) Drive-Through Window means a sales window or electronic point of sale where food or goods are sold or services are provided to the general public, and which faces

automobile stacking lane(s). This definition includes stacking lanes leading to the window or point of sale, along with any associated menu boards, speakers, or signage.

(b) *Use standards.* In all zones, the following standards apply:

- (1) *All Drive-Through Windows.* Drive-Through Windows are permitted only when they are provided as accessory to one of the following principal uses:
  - A. Bank or Financial Institution;
  - B. Cannabis Dispensary;
  - C. Eating and Drinking Establishment; and
  - D. Pharmacy.
- (2) Drive-Through Windows must be designed and situated to not obstruct traffic circulation within the site.
- (3) The use must provide required stacking spaces as described in Sec. 25.8.2.10.
- (4) Drive-Through Windows must not be located between the façade of the building and any right-of-way, except as follows.
  - A. If circumstances of the site require a drive-through lane to abut a right-of-way, landscaped screening must be provided along the entire length for which the drive-through abuts the right-of-way. The landscaped screening must consist of shrubs at least three feet tall.
  - B. If a grade change of five feet or more exists between the drive-through use and centerline of the adjacent right-of-way, the drive-through use will be exempt from these requirements.
- (5) *Drive-Through Window associated with a Cannabis Dispensary.* Where a Cannabis Dispensary with drive-through dispensing services is permitted as a conditional use, it must meet all applicable requirements of State law, including but not limited to any distance requirements of Sec. 36-410 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code, as may be amended, and all applicable State regulations governing drive-through dispensing services.
- (6) *Drive-Through Window associated with an Eating and Drinking Establishment.* A Drive-Through Window associated with an Eating and Drinking Establishment must conform to the following standards:
  - A. The associated Eating and Drinking Establishment must be the principal use of the lot.
  - B. The use must occupy a record lot that:
    1. Is at least 400 feet away from any school site or parcel of land zoned or planned for Single-Unit Detached Dwelling residential development or medium density residential use (this setback does not apply to residential or

educational properties recommended for a nonresidential or noneducational use in the Plan); and

2. Has a minimum lot area of 40,000 square feet.

*C. Frontage, access, and circulation.*

1. The site must have at least 200 feet of frontage on and direct vehicular access to a public street. Vehicular access from the site to any residential street is prohibited.
2. If an Eating and Drinking Establishment Drive-Through Window occupies a corner lot, ingress and egress driveways must be located at least 75 feet from the point of intersection of the street line and the corner arc.

*(c) Conditional use standards.*

- (1) In the MXE zone, a Drive-Through Window associated with an Eating and Drinking Establishment must be located on a site that has frontage on and access to a major arterial roadway at the front lot line.

*(d) Special Exception standards.*

- (1) In the MXNC zone, Drive-Through Windows may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the requirements of Sec. 25.6.7.6(b), above.

**Sec. 25.6.7.7. Electric Vehicle Charging.**

*(a) Definition.*

- (1) Electric Vehicle Charging means a lot or portion thereof containing one or more electric vehicle (EV) parking spaces and associated electric vehicle supply equipment (EVSE).

*(b) Use standards.* In all zones, the following standards apply:

- (1) Electric Vehicle Charging must comply with all standards set forth in Sec. 25.8.2.11(a)(4) .

*(c) Conditional use standards.*

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, RHD, all MXTD zones, MXNC, MXT, MXC, MXE, and Park zones, Electric Vehicle Charging must be accessory to the principal use.

**Sec. 25.6.7.8. Gas Station.**

*(a) Definition.*

- (1) Gas Station means a facility having fuel pumps and fuel storage tanks which are used primarily to dispense motor vehicle fuels to customers. Minor automobile repair services and accessory car washes are included in this definition. Automobile and Recreational Vehicle Sales or Rental is not included in this definition.

(b) *Special Exception use standards.* In the I-L, I-H, MXCD, MXCT, MXNC, MXC, and MXE zones, Gas Stations may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the following requirements:

- (1) *Application.* As part of the Special Exception application, the applicant must provide the following information:
  - A. An acoustic analysis demonstrating that nighttime noise from operations (including the truck noise from refueling operations) will not violate the County noise control ordinance.
- (2) *General.*
  - A. Incidental retailing of groceries is permitted.
  - B. Vehicle storage is not permitted on site, except those temporarily awaiting service during the business hours of the establishment.
  - C. Vehicles must not be serviced or stored for customers on or within the public right-of-way.
  - D. Parking spaces may not be offered for rent.
- (3) *Location.*
  - A. The nearest gas pump on the site must be located at least 250 feet from any lot on which a school, outdoor playground, library, hospital, or residential use is located.
  - B. Gasoline pumps or other service appliances must be located on the lot at least 20 feet behind the front setback.
  - C. All service, storage, or similar activities in connection with such use must be conducted entirely within a building.
- (4) *Frontage, access, and circulation.*
  - A. The site must have at least 150 feet of frontage on and direct vehicular access to a public street. Vehicular access from the site to any residential street is prohibited.
  - B. The proposed layout must provide adequate ingress, egress, and circulation for large fuel transport vehicles.
  - C. If a gas station occupies a corner lot, ingress and egress driveways must be located at least 75 feet from the point of intersection of the street line and the corner arc.
- (5) In the MXC zone, Gas Stations additionally must:
  - A. Be located on a property that has a shopping center;
  - B. Be contained in a structure limited in size to two single car service bays plus restrooms and office or supply storage space;

- C. Be limited in function to dispensing and installing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories; and to motor vehicle washing and polishing;
  - D. Not rent or sell motor vehicles, trailers, or general replacement parts;
  - E. Not overhaul, tune up, or repair motors or bodies, or provide brake relining or wheel alignment service, upholstery work, auto glass work, painting, welding, tire recapping, or auto dismantling; and
  - F. Extinguish all floodlights at the close of business or 11:00 p.m., whichever is earlier.
- (6) *Special Exception findings.* The Board of Appeals must make the following additional findings:
- A. That the use at the proposed location will not result in saturation of similar uses within a half-mile radius of the proposed use; and
  - B. That the additional development and use requirements contained in Sec. 25.6.7.8(b)(3) - (5), above, will be satisfied.
- (7) *Abandonment.* Upon the abandonment of a gas station, the Special Exception will terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, must be removed and remediated by the owner of the property. For the purpose of this Subsection, the term "abandonment" means nonoperation as a gas station (including cessation of the sale of motor vehicle fuel) for a period of 12 months.

#### **Sec. 25.6.7.9. Parking Structure, Commercial.**

##### **(a) Definition.**

- (1) Commercial Parking Structure means a structure, or portion thereof, other than a sales or rental lot associated with an Automobile and Recreational Vehicle Sales and Rental Establishment, used for the storage or parking of seven or more motor vehicles for compensation as the principal use of the site. This use does not include surface parking lots.

### **Division 6.8. Miscellaneous Uses**

#### **Sec. 25.6.8.1. Backyard Chicken Coop.**

##### **(a) Definition.**

- (1) Backyard Chicken Coop means a covered enclosure where chickens are kept, as permitted in City Code Section 3-24(b)(1)e.

##### **(b) Use standards.** In all zones, the following standards apply:

- (1) Backyard Chicken Coops must comply with City Code Section 3-24(b)(1)e.

(c) *Conditional use standards.*

- (1) In all MXTD zones, Backyard Chicken Coops are permitted only when located on the same lot as a Single-Unit Detached Dwelling that was in existence on [effective date of this Chapter].

**Sec. 25.6.8.2. Home-Based Business.**

(a) *Definition.*

- (1) Home-Based Business means any occupation that provides a service or product that is conducted within a dwelling unit or accessory structure by a resident or residents of the dwelling unit. Home-Based Businesses are divided into two categories:
  - A. Home-Based Business (Little to No Impact) means a Home-Based Business with:
    1. No more than one non-resident employee; and
    2. No more than four customer visits per day.
  - B. Home-Based Business (Material Impact) means a Home-Based Business with:
    1. Two or more non-resident employee; and
    2. Five to eight customer visits per day.
- (2) A Home-Based Business does not include the following uses: Bed and Breakfast, Child Care Home or Child Care Center, Group Home, and Private Educational Institution. Work from home in connection with off premises employment not involving any visits to the site, such as telecommuting, is not considered a Home-Based Business and is permitted in all residential dwellings.

(b) *Use standards.* In all zones, the following standards apply:

(1) *Area of use.*

- A. The Home-Based Business must be subordinate to the residential use on the site.
- B. Except as otherwise provided, a Home-Based Business must be conducted entirely within the dwelling unit or accessory building.
- C. The use must not occupy more than 35 percent of the gross floor area of the principal dwelling, or 400 square feet, whichever is greater.
- D. The floor area of an accessory building used in connection with the Home-Based Business is not included in the total floor area allowed for the business in the principal building.

(2) *Prohibition of nuisance.* A Home-Based Business must not:

- A. Use any equipment or process that creates a nuisance such as noise (in violation of Chapter 31B of the Montgomery County Code, as amended), vibration, glare, fumes, odors, or electrical or electronic interference detectable at or beyond the

lot line of a detached dwelling unit or the floor, ceiling, or party wall of an attached dwelling unit; or

- B. Involve the use, storage, generation, or disposal of any hazardous material, except for disposal of medical waste regulated by Maryland State laws and regulations.

(3) *Equipment or facilities.*

- A. Contracting equipment or materials must not be stored on the lot, except in a commercial vehicle used for transporting said equipment and materials between jobs. Loading and unloading is prohibited on or in the vicinity of the site.
- B. Motor vehicle repairs, sales, or internal combustion engine work is prohibited.
- C. The use of mechanical or electrical equipment is prohibited on the premises, except for machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional office, or medical or dental office.
- D. Outdoor display or storage of goods or equipment is prohibited.

(4) *Exterior appearance.* All structures associated with the use must have the exterior appearance of a dwelling or residential accessory structure.

(5) *Visits by customers.*

- A. No more than two customers may be present at the Home-Based Business at any one time.
- B. Visits are prohibited between the hours of 9:00 p.m. and 8:00 a.m., except in cases of medical emergency.

(6) *Truck deliveries prohibited.* No truck deliveries are permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

(7) *Residence requirement.* A Home-Based Business must be conducted by one or more persons who reside in the dwelling at least 220 days in each calendar year.

(8) *Existing Home-Based Businesses.* A Home-Based Business in existence as of March 16, 2009, is considered a conforming Home-Based Business if it complies with the provisions of the zoning ordinance for a Home Occupation in effect immediately prior to March 16, 2009.

- A. If there is any change in the character of the existing Home-Based Business, all applicable provisions of this section will apply.
- B. At such time as the Home Occupation ceases to operate for one year, or if the ownership of the property changes, all applicable provisions of this section will apply.

- (c) *Special Exception use standards.* Where a Home-Based Business (Material Impact) is proposed, it may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the following additional requirements:
- (1) *Application procedures.* As part of the Special Exception application, the applicant must provide the following information:
    - A. The location of any off-street parking spaces;
    - B. The hours of operation;
    - C. The number of nonresident employees; and
    - D. Any licensing requirements.
  - (2) *Inspections.*
    - A. All Home-Based Businesses (Material Impacts) are subject to inspection by the Chief of Zoning between the hours of 8:00 a.m. and 9:00 p.m.
  - (3) *Expiration.* Any Special Exception is granted solely to the owner/applicant and does not run with the land. The Special Exception expires when either of the following occurs:
    - A. The owner/applicant vacates the property; or
    - B. The owner/applicant no longer utilizes a portion of the dwelling for the home-based business.

#### **Sec. 25.6.8.3. Renewable Energy System.**

- (a) *Definition.*
- (1) Renewable Energy System means free-standing equipment necessary for the onsite generation and use of energy from renewable energy sources including but not limited to solar, wind, and geothermal. This use does not include solar canopies over parking facilities, Electric Vehicle Charging, or any systems or structures accessory to individual dwelling units.
- (b) *Use standards.* In all zones, the following standards apply:
- (1) *Glare.* Renewable Energy Systems must not produce glare onto adjacent buildings or roads.
- (c) *Conditional use standards.*
- (1) In the RMD-15, RMD-25, RHD, all MXTD zones, MXCD, MXCT, MXNC, MXC, MXE, and MXB zones, the following additional standards apply:
    - A. Renewable Energy Systems must be accessory to a principal use.
    - B. Height. The maximum height is 20 feet.

- C. Fencing. Renewable Energy Systems must be surrounded on all sides by a fence at least six feet tall, unless such a fence is prohibited in the underlying zone in which case the fence must be the maximum height allowed in the zone.
- (2) In the I-L and I-H zones, height up to 50 feet is allowed without a Special Exception approval.
- (d) *Special Exception use standards.* In the I-L zone, Renewable Energy Systems in excess of 50 feet may be permitted by the Board of Appeals under Article 4, Section 3.

#### **Sec. 25.6.8.4. Temporary Uses.**

- (a) *Definition.*
  - (1) Temporary Uses mean any use which is impermanent in nature, demonstrating a fixed short-term operational period, which is subject to a Temporary Use Permit. Temporary Uses do not include uses that are regulated by the provisions set forth in Chapter 12 of City Code.
- (b) *Use standards.* In all zones, the following standards apply:
  - (1) *Permit required.* All Temporary Uses are subject to the requirements of Sec. 25.4.4.1.
  - (2) *Construction-related temporary uses.*
    - A. Temporary buildings, trailers, semi-trailers, and portable storage units incidental and necessary to construction in the immediate area may operate under a Temporary Use Permit for as long as there is a valid Building Permit for construction on the site, except that the uses must cease operation no later than the issuance of the last required Occupancy Permit.
    - B. Temporary offices and model homes incidental to and necessary for the sale or rental of real property in the immediate area may operate under a Temporary Use Permit for as long as there is a valid Building Permit for construction on the site, except that the uses must cease operation no later than the issuance of the last required Occupancy Permit.
      - 1. If such Temporary Uses are included in a valid Building Permit for construction on the site, no Temporary Use Permit is required.
  - (3) *Garden produce, house plants, and cut flower sales.* The temporary sale of garden produce, house plants, and cut flowers may operate May through October with a Temporary Use Permit.
  - (4) *Holiday tree sales.* Temporary holiday tree sales are permitted only between the fourth Friday in November and December 25.
  - (5) *Portable storage units associated with residential uses.*

- A. Portable storage units may be placed on property improved with a duplex, Single-Unit Detached Dwelling, or Townhouse for the short-term storage of household items.
  - B. The Temporary Use Permit may be issued for a period of up to 30 days. One extension may be granted for a period of up to an additional 60 days for good cause shown.
  - C. A Temporary Use Permit is not required for a portable storage unit used on residential property for moving or other short-term purposes for five days or less.
  - D. Portable storage units are prohibited from being placed in the public right-of-way.
- (6) *Party and event tents.* Temporary tents associated with parties and events may be installed under a Temporary Use Permit for a period of up to seven days.
- A. A Temporary Use Permit is not required in the following instances:
    - 1. When a party and event tent is included in a special event permit under City Code Sec. 14-41 or Sec. 12-151.
    - 2. When a party and event tent is used on residential property for a period of three days or less.

## Article 7. Zone Standards

### Division 7.1. Residential Zones

#### Sec. 25.7.1.1. Compliance with development standards.

- (a) All development must comply with the development standards in Tables 7.1.2-1, 7.1.3-1, 7.1.4-1, 7.1.5-1, 7.1.6-1, 7.1.7-1, and 7.1.8-1 as applicable, except as provided elsewhere in this Chapter.

#### Sec. 25.7.1.2. Qualifying undersized lots.

- (a) *Qualifying undersized lots.* A record lot that meets the requirements for a qualifying undersized lot under Sec. 25.12.5.2(e) is deemed to be a buildable lot even if it has less than the minimum area required in the current zone. The owner may seek to have the lot recorded by plat pursuant to Sec. 25.12.5.2(e); however, recordation by plat is not required to build on the lot.
- (b) *Development standards.* Development on a qualifying undersized lot must conform to the following standards:
- (1) Buildings and structures must comply with the maximum building height and maximum lot coverage of the current zone;
  - (2) Development must comply with the setbacks established in Table 7.1.2-1, except as provided in Sec. 25.8.1.3; and
  - (3) Development on qualifying undersized lots must conform to any established building restriction lines.

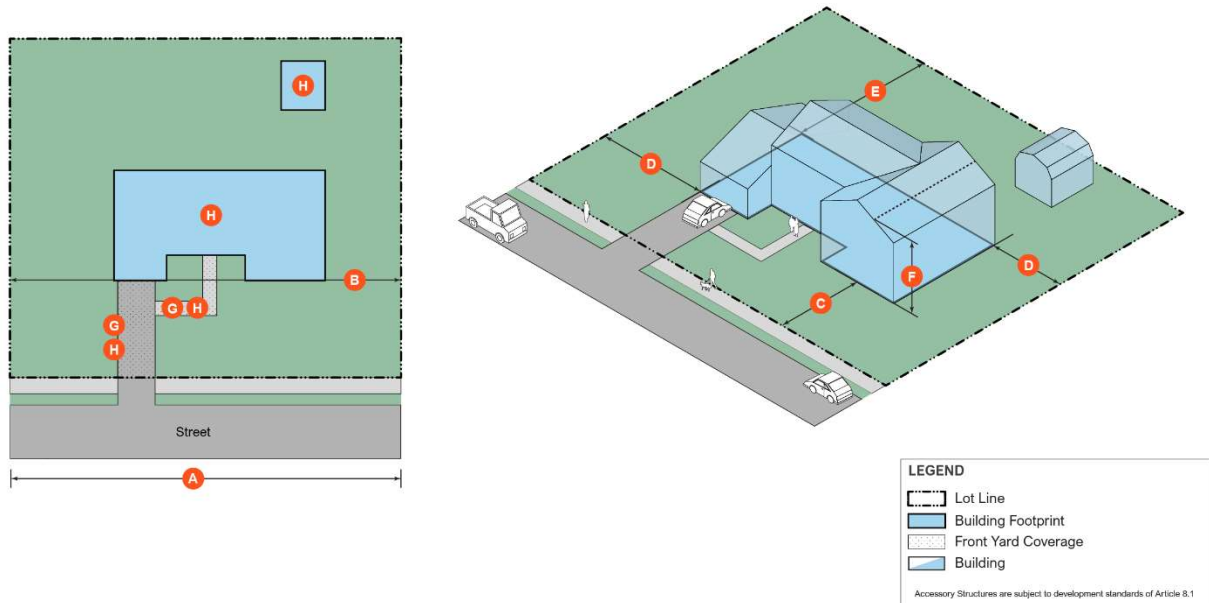
**Table 7.1.2-1: Qualifying Undersized Lot Principal Building Setbacks**

| Standard      | Minimum Setback |
|---------------|-----------------|
| Front Setback | 25 ft.          |
| Side Setback  | 7 ft.           |
| Rear Setback  | 20 ft.          |

### Sec. 25.7.1.3. Large lot single-unit residential zones.

- (a) *Purpose of the large lot single-unit residential zones.* The large lot single-unit residential zones include the R-400, R-200, and R-150 zones. These zones are intended primarily for single-unit residential uses on large lots and some institutional uses.

**Figure 7.1.3-1: Large Lot Single-Unit Residential Zones**



**Table 7.1.3-1: Large Lot Single-Unit Residential Zone Development Standards**

| Standard |                                        | R-400                                                                        | R-200                                                                        | R-150                                                                        |
|----------|----------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
|          | Lot Area (Min.)                        | 40,000 sq. ft.                                                               | 20,000 sq. ft.                                                               | 15,000 sq. ft.                                                               |
| A        | Lot Frontage (Min.)                    | 25 ft.                                                                       | 25 ft.                                                                       | 25 ft.                                                                       |
| B        | Lot Width at Front Setback Line (Min.) | 150 ft.                                                                      | 100 ft.                                                                      | 90 ft.                                                                       |
| C        | Front Setback (Min.)                   | 50 ft. or the established setback, whichever is greater (up to 100 ft. max.) | 35 ft. or the established setback, whichever is greater (up to 100 ft. max.) | 35 ft. or the established setback, whichever is greater (up to 100 ft. max.) |
| D        | Side Setback                           | Abutting Street (Min.) <sup>1</sup>                                          | 30 ft.                                                                       | 25 ft.                                                                       |
|          |                                        | Abutting Land (Min.)                                                         | 20 ft.                                                                       | 13 ft.                                                                       |
| E        | Rear Setback (Min.)                    | 50 ft.                                                                       | 35 ft.                                                                       | 30 ft.                                                                       |

| Standard |                                                      |                                  | R-400  | R-200  | R-150  |
|----------|------------------------------------------------------|----------------------------------|--------|--------|--------|
|          | I-270 Setback (Min.) <sup>2</sup>                    |                                  | 50 ft. | 50 ft. | 50 ft. |
| F        | Building Height (Max.)                               |                                  | 40 ft. | 40 ft. | 40 ft. |
| G        | Front Yard Coverage (Max. per frontage) <sup>3</sup> | Single Frontage and Through Lots | 10%    | 20%    | 25%    |
|          |                                                      | Corner Lots                      | 5%     | 10%    | 12.5%  |
| H        | Lot Coverage (Max.)                                  |                                  | 15%    | 25%    | 25%    |

<sup>1</sup> A side street setback applies only if the lot abutting the rear of the subject lot does not front on the street. If this condition is not met, front setback requirements apply.

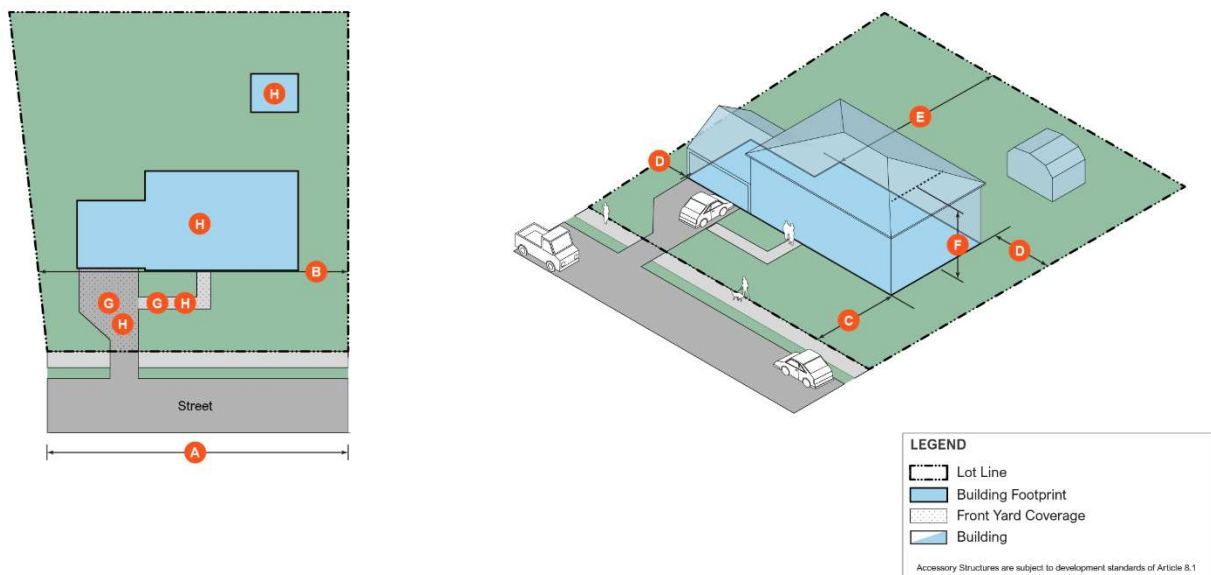
<sup>2</sup> Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on an approved preliminary subdivision plan or an approved final record plat prior to January 1, 1980, in which case the setback from I-270 does not apply.

<sup>3</sup> The Approving Authority may reduce this requirement for institutional uses if it finds that such a modification will reduce impacts of paved areas on adjoining residential uses, provide more efficient on-site traffic circulation, or address practical difficulties.

#### Sec. 25.7.1.4. Small lot single-unit residential zones.

- (a) *Purpose of the small lot single-unit residential zones.* The small lot single-unit residential zones include the R-90, R-75, R-60, and R-40 zones. These zones are intended primarily for single-unit residential uses on smaller lots than those in the large lot single-unit residential zones.

**Figure 7.1.4-1: Small Lot Single-Unit Residential Zones**



**Table 7.1.4-1: Small Lot Single-Unit Residential Zone Development Standards**

| Standard |                                        | R-90                                                           | R-75                                                    | R-60                                                    | R-40 <sup>1</sup>                                       |
|----------|----------------------------------------|----------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|
|          | Lot Area (Min.)                        | 9,000 sq. ft.                                                  | 7,500 sq. ft.                                           | 6,000 sq. ft.                                           | 4,000 sq. ft.                                           |
| <b>A</b> | Lot Frontage (Min.)                    | 25 ft.                                                         | 40 ft.                                                  | 35 ft.                                                  | 25 ft.                                                  |
| <b>B</b> | Lot Width at Front Setback Line (Min.) | 70ft.                                                          | 70 ft.                                                  | 60 ft.                                                  | 40 ft.                                                  |
| <b>C</b> | Front Setback                          | 30 ft. or the established setback, whichever is greater (up to | 25 ft. or the established setback, whichever is greater | 25 ft. or the established setback, whichever is greater | 25 ft. or the established setback, whichever is greater |

| Standard |                                                      |                                     | R-90        | R-75                | R-60                | R-40 <sup>1</sup>   |
|----------|------------------------------------------------------|-------------------------------------|-------------|---------------------|---------------------|---------------------|
|          |                                                      |                                     | 60ft. max.) | (up to 50 ft. max.) | (up to 50 ft. max.) | (up to 50 ft. max.) |
| D        | Side Setback                                         | Abutting Street (Min.) <sup>2</sup> | 20 ft.      | 20 ft.              | 20 ft.              | 25 ft.              |
|          |                                                      | Abutting Land (Min.)                | 11 ft.      | 9 ft.               | 8 ft.               | 10 ft.              |
| E        | Rear Setback (Min.)                                  |                                     | 25 ft.      | 20 ft.              | 20 ft.              | 20 ft.              |
|          | I-270 Setback (Min.) <sup>3</sup>                    |                                     | 50 ft.      | 50 ft.              | 50 ft.              | 50 ft.              |
| F        | Building Height (Max.)                               |                                     | 35 ft.      | 35 ft.              | 35 ft.              | 35 ft.              |
| G        | Front Yard Coverage (Max. per frontage) <sup>4</sup> | Single Frontage and Through Lots    | 30%         | 35%                 | 40%                 | 45%                 |
|          |                                                      | Corner Lots                         | 15%         | 20%                 | 20%                 | 22.5%               |
| H        | Lot Coverage (Max.)                                  |                                     | 25%         | 35%                 | 35%                 | 40%                 |

<sup>1</sup> For single unit detached dwellings located in the R-40, R-60 standards apply.

<sup>2</sup> A side street setback applies only if the lot abutting the rear of the subject lot does not front on the street. If this condition is not met, front setback requirements apply.

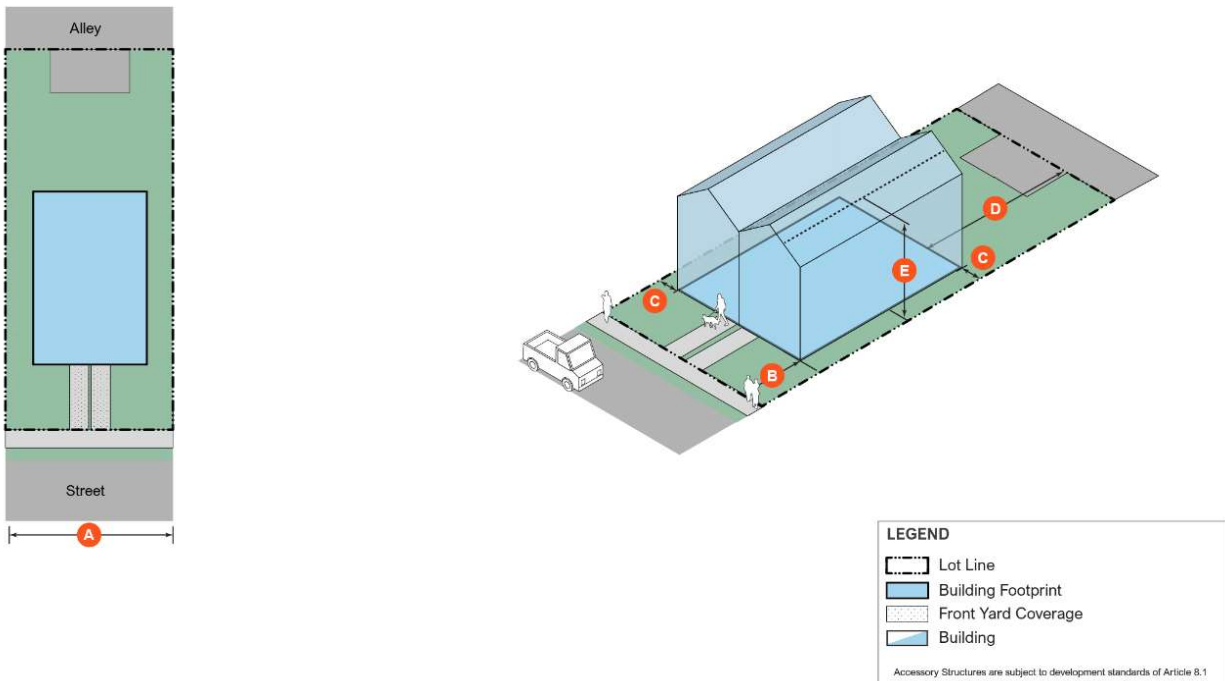
<sup>3</sup> Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.

<sup>4</sup> The Approving Authority may reduce this requirement for institutional uses if it finds that such a modification will reduce impacts of paved areas on adjoining residential uses, provide more efficient on-site traffic circulation, or address practical difficulties.

### Sec. 25.7.1.5. RMD-Infill, Medium Density Residential zone.

- (a) *Purpose of the RMD-Infill zone.* The RMD-Infill zone is intended to provide for medium density residential uses with a range of housing types on infill lots.

**Figure 7.1.5-1: RMD-Infill, Medium Density Residential Zone**



**Table 7.1.5-1: RMD-Infill, Medium Density Residential Zone Development Standards**

| Standard |                                   |                                     | Requirement                                                                                                                                   |
|----------|-----------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|          | Density (Max.)                    |                                     | 1 DU/2,000 sq. ft.                                                                                                                            |
|          | Bonus Density (Max.) <sup>1</sup> |                                     | 30% increase in allowable dwelling units per lot                                                                                              |
|          | Lot Size (Min.)                   |                                     | N/A                                                                                                                                           |
| <b>A</b> | Lot Frontage (Min.)               |                                     | N/A                                                                                                                                           |
| <b>B</b> | Front Setback                     |                                     | 20 ft. or the established setback, whichever is less                                                                                          |
| <b>C</b> | Side Setback                      | Abutting Street (Min.) <sup>2</sup> | 15 ft.                                                                                                                                        |
|          |                                   | Abutting Land (Min.)                | 5 ft.<br>Side setbacks can be reduced from the normal requirement of 5 ft. provided that the sum of both side setbacks is a minimum of 10 ft. |
| <b>D</b> | Rear Setback (Min.)               |                                     | 15 ft.                                                                                                                                        |
|          | I-270 Setback (Min.) <sup>3</sup> |                                     | 50 ft.                                                                                                                                        |

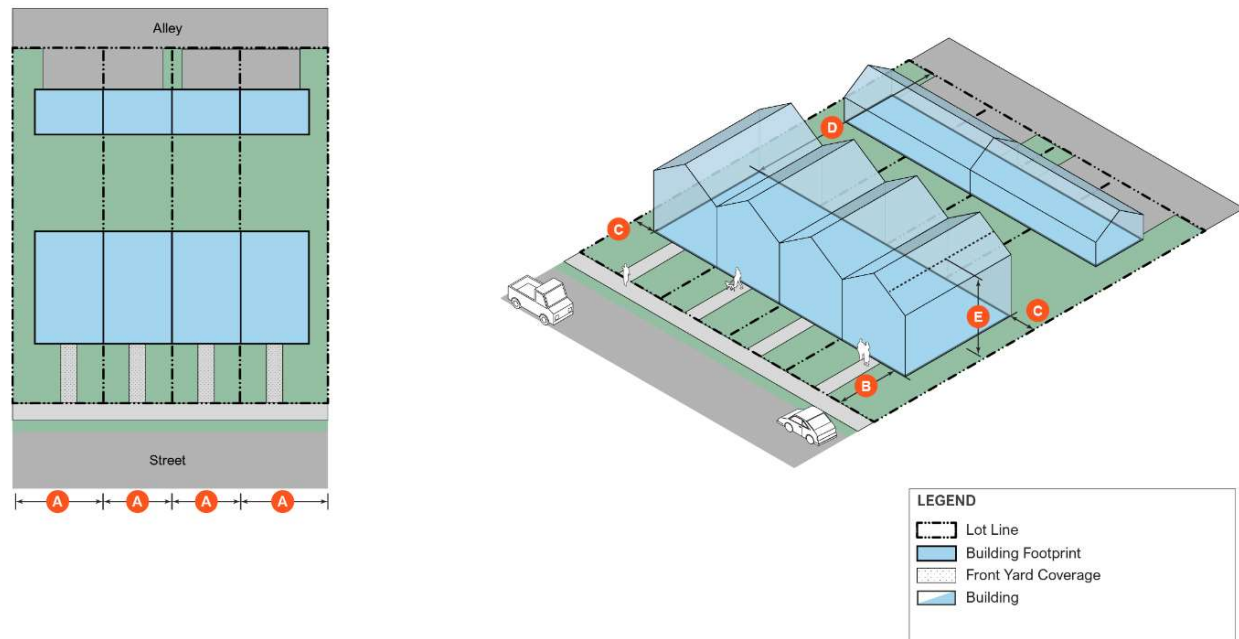
| Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        | Requirement                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------|
| E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Building Height (Max.) | 30 ft. for cottage courts                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                        | 35 ft. for single-unit detached dwellings, duplexes, and triplexes |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                        | 40 ft. for fourplexes                                              |
| <p><sup>1</sup> The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.</p> <p><sup>2</sup> A side street setback applies only if the lot abutting the rear of the subject lot does not front on the street. If this condition is not met, front setback requirements apply.</p> <p><sup>3</sup> Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.</p> |                        |                                                                    |

- (b) *RMD-Infill design standards.* The following design standards apply to multiplex and cottage court development in the RMD-Infill zone. Additional townhouse, multiplex, and cottage court use standards are located in Article 6, Division 3.
- (1) Facades along street frontages other than alleys must include elements such as windows, stoops, porches, terraces, balconies, and bay windows, which provide interaction with the street.
  - (2) Attached garages or carports, where permitted, must be placed a minimum of five feet behind the front facade of the main building.

### Sec. 25.7.1.6. RMD-10 and RMD-15, Medium Density Residential zones.

- (a) *Purpose of the RMD-10 and RMD-15 zones.* The RMD-10 and RMD-15 zones are intended to provide for medium density residential uses with a range of housing types, typically townhouse, multiplex, and apartment dwellings.

**Figure 7.1.6-1: RMD-10 and RMD-15, Medium Density Residential Zone**



**Table 7.1.6-1: RMD-10 and RMD-15, Medium Density Residential Zone Development Standards**

| Standard |                                   | RMD-10                                               | RMD-15                                               |
|----------|-----------------------------------|------------------------------------------------------|------------------------------------------------------|
|          | Density (Max.)                    | 10 DU/acre                                           | 15 DU/acre                                           |
|          | Bonus Density (Max.) <sup>1</sup> | 30% increase in allowable dwelling units per acre    | 30% increase in allowable dwelling units per acre    |
|          | Site Area (Min.)                  | 20,000 sq. ft. but never more than 10 acres          | 0.75 acres                                           |
| <b>A</b> | Lot Frontage (Min.)               | 14 ft.                                               | 14 ft.                                               |
| <b>B</b> | Front Setback (Min.)              | 20 ft. or the established setback, whichever is less | 15 ft. or the established setback, whichever is less |
| <b>C</b> | Side Setback (Min.)               | 8 ft.                                                | 8 ft.                                                |
| <b>D</b> | Rear Setback (Min.)               | 20 ft.                                               | 15 ft.                                               |
|          | I-270 Setback (Min.) <sup>2</sup> | 50 ft.                                               | 50 ft.                                               |
| <b>E</b> | Building Height (Max.)            | 35 ft.                                               | 40 ft.                                               |

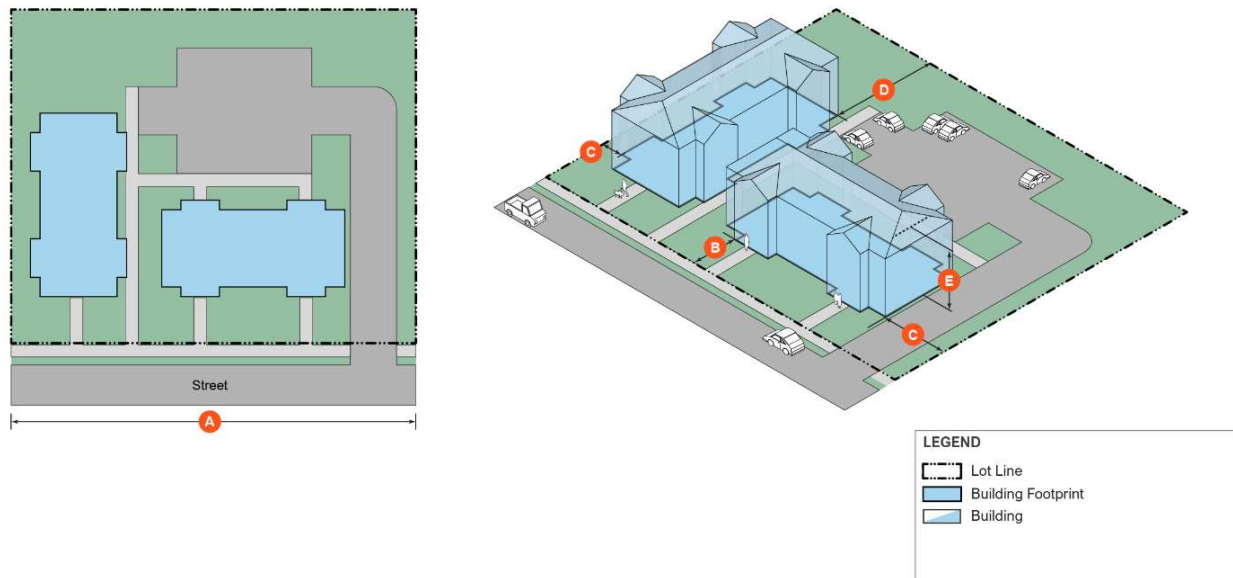
| Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                  | RMD-10 | RMD-15 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|
| <p><sup>1</sup> The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.</p> <p><sup>2</sup> Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.</p> |        |        |

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### Sec. 25.7.1.7. RMD-25, Medium Density Residential zone.

- (a) *Purpose of the RMD-25 zone.* The RMD-25 zone is intended to provide for medium density residential uses, typically townhouse and apartment dwellings, up to 25 dwelling units per acre.

**Figure 7.1.7-1: RMD-25, Medium Density Residential Zone**



**Table 7.1.7-1: RMD-25, Medium Density Residential Zone Development Standards**

| Standard                                                                                                                                                           |                                     | Requirement                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                    | Density (Max.)                      | 25 DU/acre                                                                                                                    |
|                                                                                                                                                                    | Bonus Density (Max.) <sup>1</sup>   | 30% increase in allowable dwelling units per acre                                                                             |
|                                                                                                                                                                    | Site Area (Min.)                    | 0.75 acres                                                                                                                    |
| <b>A</b>                                                                                                                                                           | Lot Frontage (Min.)                 | 100 ft.                                                                                                                       |
| <b>B</b>                                                                                                                                                           | Front Setback                       | 25 ft.                                                                                                                        |
| <b>C</b>                                                                                                                                                           | Side Setback                        | 8 ft. for townhouse, multiplex, small apartment buildings, and cottage courts<br>10 ft. for apartments of seven or more units |
| <b>D</b>                                                                                                                                                           | Rear Setback (Min.)                 | 25 ft.                                                                                                                        |
|                                                                                                                                                                    | I-270 Setback (Min.) <sup>2</sup>   | 50 ft.                                                                                                                        |
| <b>E</b>                                                                                                                                                           | Building Height (Max.) <sup>3</sup> | 75 ft.                                                                                                                        |
| <sup>1</sup> The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code. |                                     |                                                                                                                               |

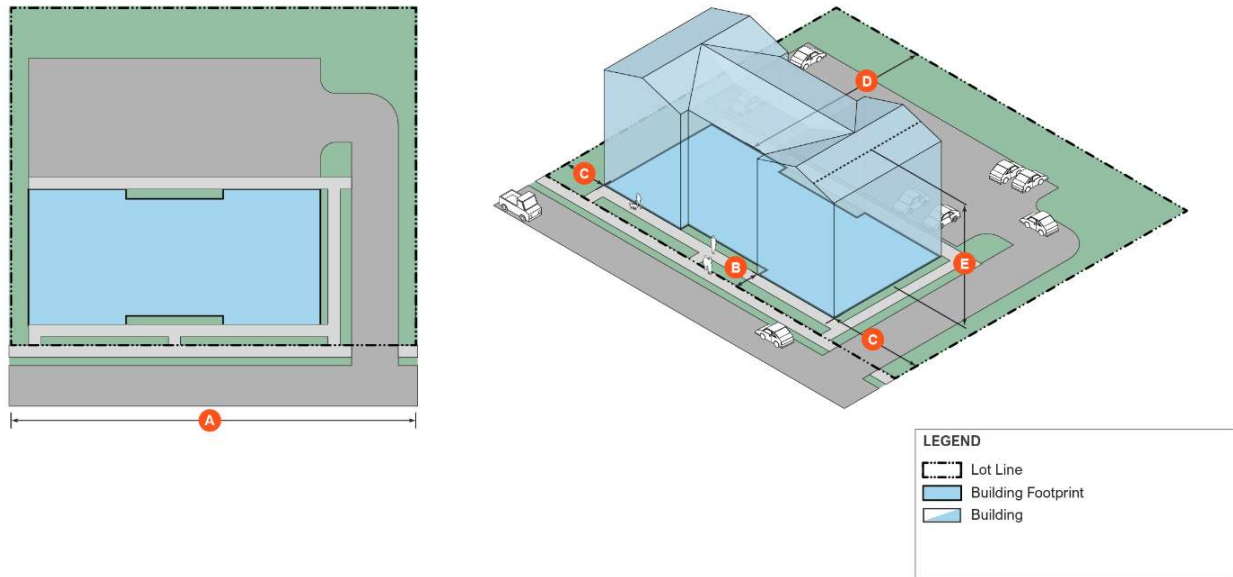
| Standard                                                                                                                                                                                                                                                                                                                                                                    | Requirement |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <sup>2</sup> Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.<br><sup>3</sup> Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1). |             |

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### Sec. 25.7.1.8. RHD, Residential High Density zone.

- (a) *Purpose of the RHD zone.* The RHD zone is intended to provide for high-density residential uses, typically apartment dwellings, up to 50 dwelling units per acre.

**Figure 7.1.8-1: RHD, Residential High Density Zone**



**Table 7.1.8-1: RHD, Residential High Density Zone Development Standards**

| Standard                                                                                                                                                                                                                                                              |                                     | Requirement                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                       | Density (Max.)                      | 50 dwelling units/acre                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                       | Bonus Density (Max.) <sup>1</sup>   | 30% increase in allowable dwelling units per acre                                                                                                                                             |
|                                                                                                                                                                                                                                                                       | Lot Size (min)                      | N/A                                                                                                                                                                                           |
| <b>A</b>                                                                                                                                                                                                                                                              | Lot Frontage (Min.)                 | 10 ft.                                                                                                                                                                                        |
| <b>B</b>                                                                                                                                                                                                                                                              | Front Setback (Min.)                | 25 ft. when abutting or confronting a lot zoned for and developed with single-unit residential uses<br>10 ft. in all other locations                                                          |
| <b>C</b>                                                                                                                                                                                                                                                              | Side Setback                        | 10 ft.                                                                                                                                                                                        |
| <b>D</b>                                                                                                                                                                                                                                                              | Rear Setback (Min.)                 | 10 ft.                                                                                                                                                                                        |
| <b>E</b>                                                                                                                                                                                                                                                              | Building Height (Max.) <sup>2</sup> | 75 ft.<br>When abutting or confronting a lot zoned for and developed with single-unit residential uses, buildings are limited to a max. height of 45 ft. within 100 ft. of the property line. |
| <sup>1</sup> The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.<br><sup>2</sup> Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1). |                                     |                                                                                                                                                                                               |

## **Division 7.2. Industrial Zones**

### **Sec. 25.7.2.1. Compliance with development standards.**

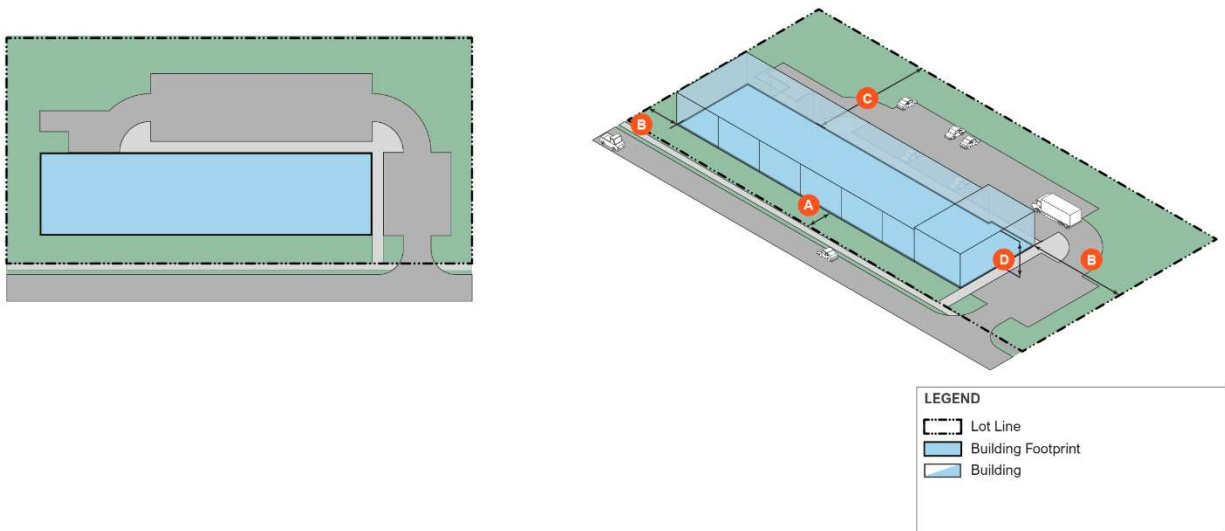
- (a) All development must comply with the development standards in Tables 7.2.2-1 and 7.2.3-1, as applicable, except as provided elsewhere in this Chapter.

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### Sec. 25.7.2.2. I-L, Light Industrial zone.

- (a) *Purpose of the I-L zone.* The I-L zone is intended to provide for limited light manufacturing, warehousing, and wholesaling facilities necessary to serve residents of the City and surrounding areas, and to provide general retailing facilities for certain commodities appropriate in an industrial zone.

**Figure 7.2.2-1: I-L, Light Industrial Zone**



**Table 7.2.2-1: I-L, Light Industrial Zone Development Standards**

| Standard |                                     |                                                   | Requirement                                                                                                      |
|----------|-------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|          | Lot Size (Min.)                     |                                                   | N/A                                                                                                              |
|          | Lot Size (Max.)                     |                                                   | N/A                                                                                                              |
| <b>A</b> | Front Setback (Min.)                |                                                   | 25 ft.                                                                                                           |
| <b>B</b> | Side Setback                        | Abutting Street (Min.)                            | 10 ft.                                                                                                           |
|          |                                     | Abutting Residential Property <sup>1</sup> (Min.) | 30 ft. or building height, whichever is greater                                                                  |
|          |                                     | Abutting Nonresidential Property (Min.)           | 10 ft.; unless both side yards abut nonresidential property, in which case one of the side setbacks may be 0 ft. |
| <b>C</b> | Rear Setback                        | Abutting Residential Property <sup>1</sup> (Min.) | 30 ft. or building height, whichever is greater                                                                  |
|          |                                     | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided                                                                           |
| <b>D</b> | Building Height (Max.) <sup>2</sup> |                                                   | 60 ft.                                                                                                           |
|          | Design Standards                    |                                                   | Sec. 25.7.2.4                                                                                                    |

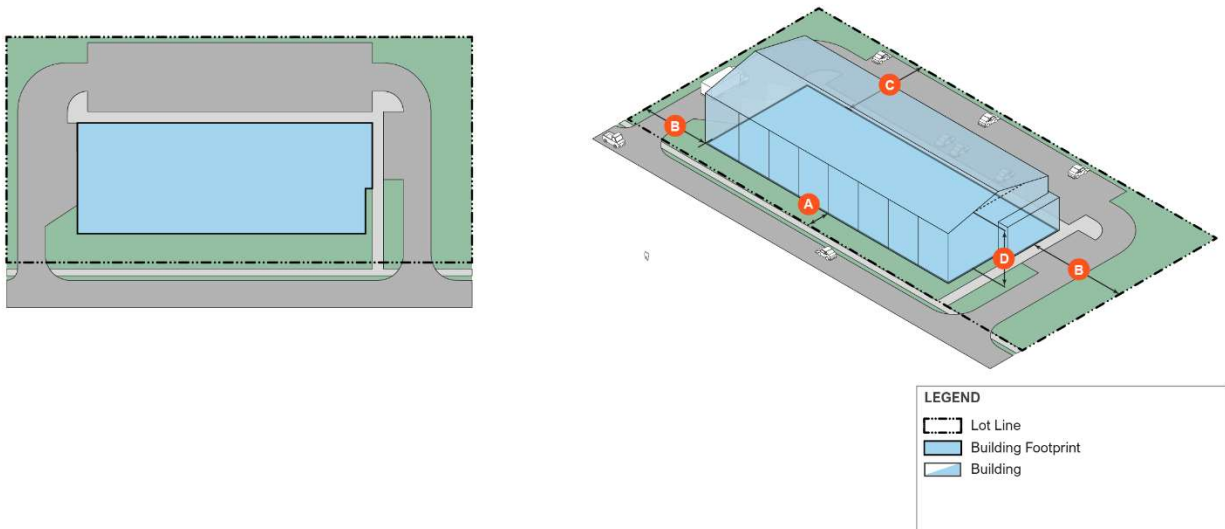
| Standard                                                                                                                                                                                                                                                                                                                           | Requirement |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <sup>1</sup> This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.<br><sup>2</sup> Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1). |             |

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### Sec. 25.7.2.3. I-H, Heavy Industrial zone.

- (a) *Purpose of the I-H zone.* The I-H zone is intended to provide for a wide range of industrial and related uses which may need various types of access, and which, because of the nature of their operation, may or may not be compatible near other land uses.

**Figure 7.2.3-1: I-H, Heavy Industrial Zone**



**Table 7.2.3-1: I-H, Heavy Industrial Zone Development Standards**

| Standard |                                     |                                                   | Requirement                                                                                                      |
|----------|-------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|          | Lot Size (Min.)                     |                                                   | N/A                                                                                                              |
|          | Lot Size (Max.)                     |                                                   | N/A                                                                                                              |
| <b>A</b> | Front Setback (Min.)                |                                                   | 25 ft.                                                                                                           |
| <b>B</b> | Side Setback                        | Abutting Street (Min.)                            | 10 ft.                                                                                                           |
|          |                                     | Abutting Residential Property <sup>1</sup> (Min.) | 30 ft. or building height, whichever is greater.                                                                 |
|          |                                     | Abutting Nonresidential Property (Min.)           | 10 ft.; unless both side yards abut nonresidential property, in which case one of the side setbacks may be 0 ft. |
| <b>C</b> | Rear Setback                        | Abutting Residential Property <sup>1</sup> (Min.) | 30 ft. or building height, whichever is greater.                                                                 |
|          |                                     | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided.                                                                          |
| <b>D</b> | Building Height (Max.) <sup>2</sup> |                                                   | 70 ft.                                                                                                           |
|          | Design Standards                    |                                                   | Sec. 25.7.2.4                                                                                                    |

| Standard                                                                                                                                                                                                                        | Requirement |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <sup>1</sup> This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings. |             |
| <sup>2</sup> Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1).                                                                                                                                 |             |

#### **Sec. 25.7.2.4. Industrial zone design standards.**

- (a) Facades greater than 100 feet in length facing either abutting residentially-zoned property (other than live-work units or residential uses that are part of a mixed-use development) or a street other than an alley or drive aisle must include projections, recessions, or other treatments with a minimum depth or offset of 2 feet, spaced no more than 30 feet apart.

## **Division 7.3. Mixed Use Zones**

### **Sec. 25.7.3.1. Compliance with development standards.**

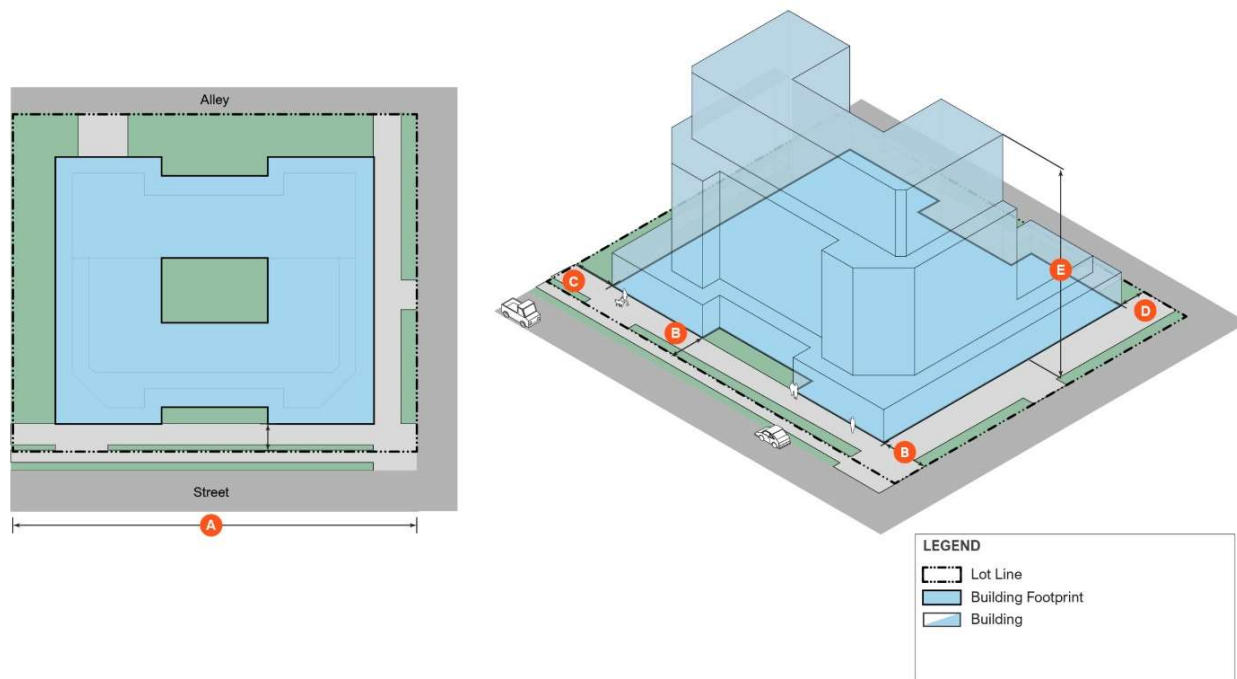
- (a) All development must comply with the development standards in Tables 7.3.2-1, 7.3.3-1, 7.3.4-1 and 7.3.5-1 as applicable, except as provided elsewhere in this Chapter.

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### Sec. 25.7.3.2. Transit-oriented, high density mixed use zones.

- (a) *Purpose of the Mixed-Use Transit District zones.* The MXTD zones are intended to provide for high-density development of retail, office, and residential uses in areas near Metro stations. These zones are characterized by their transit-oriented location, walkability and urban development patterns.

**Figure 7.3.2-1: Transit-Oriented, High Density Mixed Use Zones**



**Table 7.3.2-1: Transit-Oriented, High Density Mixed Use Zones Development Standards**

| Standard |                                             |                                                   | MXTD-235                               | MXTD-200                               | MXTD-85                                |
|----------|---------------------------------------------|---------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| <b>A</b> | Lot Frontage (Min.)                         |                                                   | 10 ft.                                 | 10 ft.                                 | 10 ft.                                 |
| <b>B</b> | Setback Abutting Public Right-of-Way (Min.) |                                                   | None                                   | None                                   | None                                   |
| <b>C</b> | Side Setback                                | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                 | 25 ft.                                 | 25 ft.                                 |
| <b>C</b> |                                             | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided | None required. 10 ft. min. if provided | None required. 10 ft. min. if provided |

| Standard |                                           |                                                   | MXTD-235                               | MXTD-200                               | MXTD-85                                |
|----------|-------------------------------------------|---------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| D        | Rear Setback                              | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                 | 25 ft.                                 | 25 ft.                                 |
| D        |                                           | Abutting Nonresidential Land (Min.)               | None required. 10 ft. min. if provided | None required. 10 ft. min. if provided | None required. 10 ft. min. if provided |
| E        | Building Height (Max.)                    |                                                   | 235 ft.                                | 200 ft.                                | 85 ft.                                 |
|          | Bonus Building Height (Max.) <sup>2</sup> |                                                   | 100 ft.                                | 100 ft.                                | 50 ft.                                 |
|          | Building Location                         |                                                   | Sec. 25.7.3.6                          |                                        |                                        |
|          | Design Standards                          |                                                   | Sec. 25.7.3.8 and Sec. 25.7.3.9        |                                        |                                        |

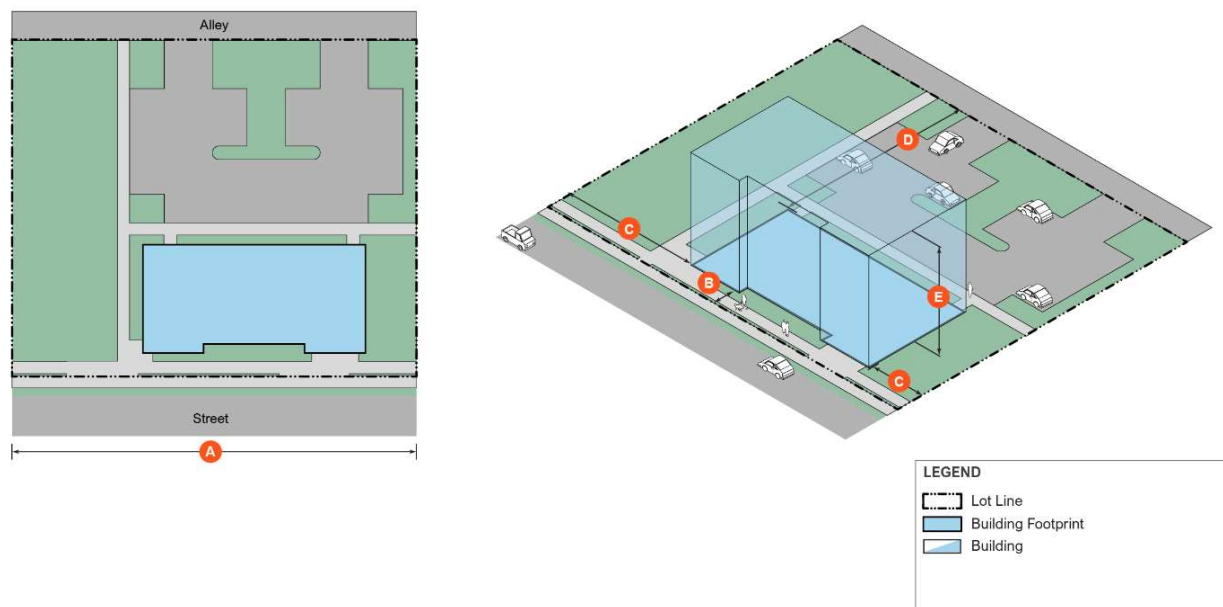
<sup>1</sup>This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.

<sup>2</sup>The bonus building height is permitted for any Champion Project, any development project with a residential component that includes 20% or more moderately priced dwelling units, or any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

### Sec. 25.7.3.3. Corridor-oriented, medium to high density mixed use zones.

- (a) *Purpose of the Mixed-Use Corridor District zone.* The MXCD zone is intended to provide for areas along major highway corridors outside of the MXTD Zone areas. It allows for flexibility in siting medium density development of retail, office, auto-oriented, and residential uses.
- (b) *Purpose of the Mixed-Use Corridor Transition zone.* The MXCT zone is intended to provide for medium density development of residential and office uses, as well as neighborhood-serving retail and service uses, and to serve as a transition between areas zoned for medium- to high-intensity development and areas of residential development or parks within residentially zoned areas.

**Figure 7.3.3-1: Corridor-Oriented, Medium to High Density Mixed Use Zones**



**Table 7.3.3-1: Corridor-Oriented, Medium to High Density Mixed Use Zones Development Standards**

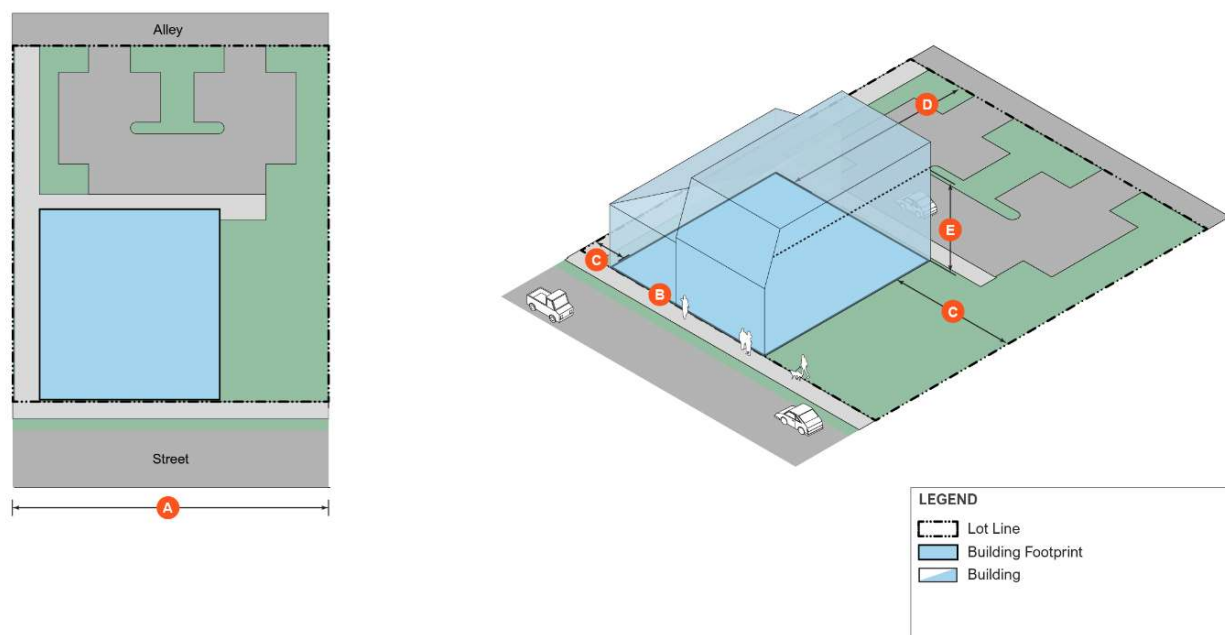
| Standard |                                             |                                                                                                | MXCD                                    | MXCT                                    |
|----------|---------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|
| <b>A</b> | Lot Frontage (Min.)                         |                                                                                                | 10 ft.                                  | 10 ft.                                  |
| <b>B</b> | Setback Abutting Public Right-of-Way (Min.) |                                                                                                | None                                    | None                                    |
| <b>C</b> | Side Setback                                | Abutting Residential Property <sup>1</sup> (Min.)                                              | 25 ft.                                  | 25 ft.                                  |
|          |                                             | Abutting Nonresidential Property or Residential Uses with a Height of 45 ft. or greater (Min.) | None required. 10 ft. min. if provided. | None required. 10 ft. min. if provided. |

| Standard                                                                                                                                                                                                                        |                              |                                                   | MXCD                                    | MXCT                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------|-----------------------------------------|--------------------------------------------------------|
| D                                                                                                                                                                                                                               | Rear Setback                 | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                  | 25 ft.                                                 |
|                                                                                                                                                                                                                                 |                              | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided. | None required. 10 ft. min. if provided.                |
| E                                                                                                                                                                                                                               | Building Height (Max.)       |                                                   | 75 ft.                                  | 75 ft.                                                 |
|                                                                                                                                                                                                                                 | Bonus Building Height (Max.) |                                                   | 50 ft. <sup>2</sup>                     | 30% increase in allowable building height <sup>3</sup> |
|                                                                                                                                                                                                                                 | Building Location            |                                                   | Sec. 25.7.3.6                           |                                                        |
|                                                                                                                                                                                                                                 | Design Standards             |                                                   | Sec. 25.7.3.8 and Sec. 25.7.3.9         |                                                        |
| <sup>1</sup> This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings. |                              |                                                   |                                         |                                                        |
| <sup>2</sup> The bonus building height is permitted for any Champion Project or any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.                              |                              |                                                   |                                         |                                                        |
| <sup>3</sup> The bonus height is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.                                                               |                              |                                                   |                                         |                                                        |

#### Sec. 25.7.3.4. Neighborhood-oriented, medium to low density mixed use zones.

- (a) *Purpose of the Mixed-Use Neighborhood Commercial zone.* The MXNC zone is intended to provide primarily for local, low to moderate density retail and service uses in areas near single unit detached residential uses. This zone also allows for low to moderate density residential uses and limited office uses. It is not intended to provide for major employment.
- (b) *Purpose of the Mixed-Use Transition zone.* The MXT zone is intended to provide for low density multi-unit, attached, and townhouse residential development, and other neighborhood-serving uses in areas located between moderate or high-density development and single-unit detached residential neighborhoods.
- (c) *Purpose of the Mixed-Use Commercial zone.* The MXC zone is intended to provide primarily for local, low density retail and service uses in areas near single unit detached residential uses. This zone also allows for low density residential uses and limited office uses. It is not intended to provide for major employment.

**Figure 7.3.4-1: Neighborhood-Oriented, Medium to Low Density Mixed Use Zones**



**Table 7.3.4-1: Neighborhood-Oriented, Medium to Low Density Mixed Use Zones Development Standards**

| Standard |                                             | MXNC                                    | MXT    | MXC    |
|----------|---------------------------------------------|-----------------------------------------|--------|--------|
| <b>A</b> | Lot Frontage (Min.)                         | 10 ft.                                  | 10 ft. | 10 ft. |
| <b>B</b> | Setback Abutting Public Right-of-Way (Min.) | None required. 10 ft. min. if provided. | 10 ft. | 15 ft. |

| Standard |                                           |                                                   | MXNC                                      | MXT                                       | MXC                                       |
|----------|-------------------------------------------|---------------------------------------------------|-------------------------------------------|-------------------------------------------|-------------------------------------------|
| C        | Side Setback                              | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                    | 10 ft.                                    | 15 ft.                                    |
| C        |                                           | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided.   | None                                      | None required. 10 ft. min. if provided    |
| D        | Rear Setback                              | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                    | 20 ft.                                    | 25 ft.                                    |
| D        |                                           | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided.   | None required. 10 ft. min. if provided.   | None required. 10 ft. min. if provided.   |
| E        | Building Height (Max.)                    |                                                   | 65 ft.                                    | 35 ft.                                    | 30 ft.                                    |
|          | Bonus Building Height (Max.) <sup>2</sup> |                                                   | 30% increase in allowable building height | 30% increase in allowable building height | 30% increase in allowable building height |
|          | Building Location                         |                                                   | Sec. 25.7.3.6                             |                                           |                                           |
|          | Design Standards                          |                                                   | Sec. 25.7.3.8 and Sec. 25.7.3.9           |                                           |                                           |

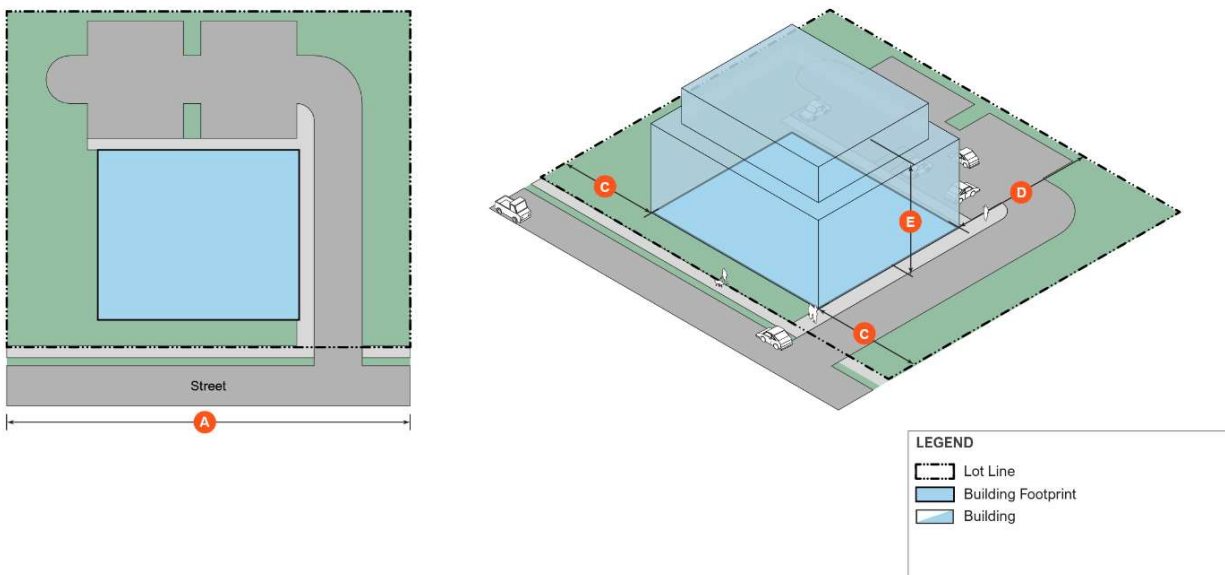
<sup>1</sup> This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.

<sup>2</sup> The bonus height is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

### Sec. 25.7.3.5. Business- and employment-oriented mixed use zones.

- (a) *Purpose of the Mixed-Use Employment zone.* The MXE zone is intended to provide for areas that are either currently developed or are recommended for development primarily for office, light industrial, industrial park, and similar employment-generating uses, while also allowing for medium- to high-density development of retail, and residential uses.
- (b) *Purpose of the Mixed-Use Business zone.* The MXB zone is intended to provide primarily for retail sales, neighborhood services, home maintenance services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities and permits retail, service, office, and residential uses.

**Figure 7.3.5-1: Business- and Employment-Oriented Mixed Use Zones**



**Table 7.3.5-1: Business- and Employment-Oriented Mixed Use Zones Development Standards**

| Standard |                                             |                                                   | MXE                                     | MXB <sup>1</sup>                        |
|----------|---------------------------------------------|---------------------------------------------------|-----------------------------------------|-----------------------------------------|
| <b>A</b> | Lot Frontage (Min.)                         |                                                   | 10 ft.                                  | 10 ft.                                  |
| <b>B</b> | Setback Abutting Public Right-of-Way (Min.) |                                                   | None required. 10 ft. min. if provided. | None required. 10 ft. min. if provided. |
| <b>C</b> | Side Setback                                | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                  | 25 ft.                                  |
|          |                                             | Abutting Nonresidential Property (Min.)           | None required. 10 ft. min. if provided. | None required. 10 ft. min. if provided. |
| <b>D</b> | Rear Setback                                | Abutting Residential Property <sup>1</sup> (Min.) | 25 ft.                                  | 25 ft.                                  |

| Standard                                                                                                                                                                                                                        |                                           |                                         | MXE                                       | MXB <sup>1</sup>                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------|-------------------------------------------|-------------------------------------------|
|                                                                                                                                                                                                                                 |                                           | Abutting Nonresidential Property (Min.) | None required. 10 ft. min. if provided.   | None required. 10 ft. min. if provided.   |
| E                                                                                                                                                                                                                               | Building Height (Max.)                    |                                         | 120 ft.                                   | 55 ft.                                    |
|                                                                                                                                                                                                                                 | Bonus Building Height (Max.) <sup>2</sup> |                                         | 30% increase in allowable building height | 30% increase in allowable building height |
|                                                                                                                                                                                                                                 | Building Location                         |                                         | Sec. 25.7.3.6                             |                                           |
|                                                                                                                                                                                                                                 | Design Standards                          |                                         | Sec. 25.7.3.8 and Sec. 25.7.3.9           |                                           |
| <sup>1</sup> This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings. |                                           |                                         |                                           |                                           |
| <sup>2</sup> The bonus height is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.                                                               |                                           |                                         |                                           |                                           |

#### **Sec. 25.7.3.6. Mixed use building location standards.**

- (a) Buildings must be located at the front property line(s), including on corner lots, or the build-to line where established by the Plan. In the MXE zone, building location may be vis-à-vis a service drive.
- (b) Parking must be located to the side or rear of buildings.
- (c) Within the Rockville Pike Neighborhood Plan area, all building must conform to the build-to lines established in the Plan.

#### **Sec. 25.7.3.7. Floor area limitation.**

- (a) Except as provided in Sec. 25.7.3.7(b), below, a single-tenant retail commercial use in the mixed-use zones 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 additional floors does not exceed 65,000 square feet.
- (b) For a Champion Project, the Mayor and Council may allow the floor area limit for a single retail tenant within the project to increase to no more than 100,000 square feet of floor area at the ground level and at each additional floor. As a condition of approval of the Champion Project, the following applies:
  - (1) Each of the exterior walls at the ground level, along any public street or way, must be activated with points of access for street-fronting retail, restaurants and/or service establishments that contribute to a vibrant walkable environment.

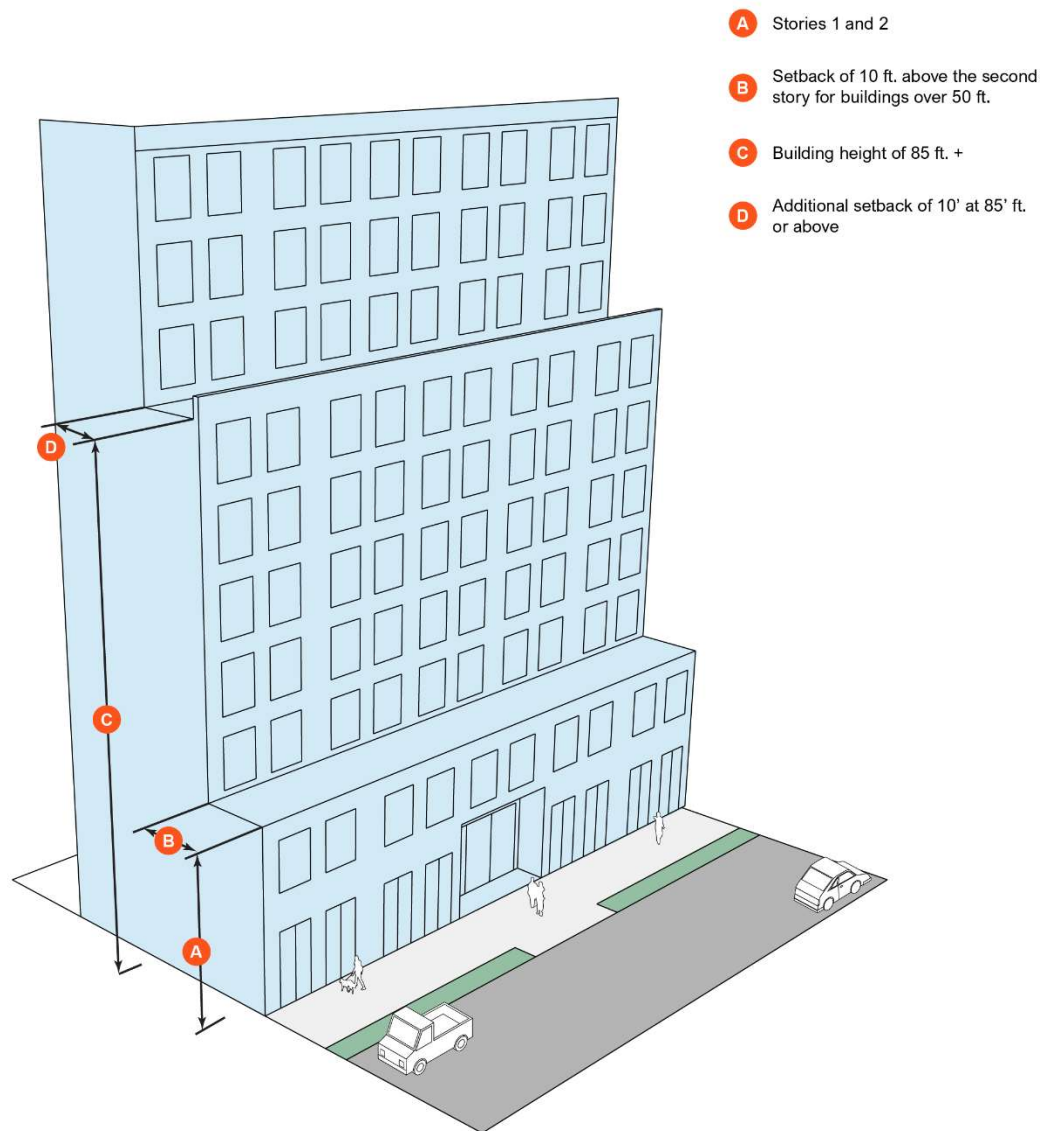
#### **Sec. 25.7.3.8. Mixed use design standards.**

(a) The following standards apply to all structures in the mixed-use zones, except for parking structures or any structures located on properties in the Historic District Overlay zone.

(1) *Massing and height transitions.*

- A. A building greater than 50 feet in height in abutting or confronting a single-unit detached dwelling, townhouse, or multiplex in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, or RMD-Infill zone must meet the following standards:
  - 1. For buildings greater than 50 feet in height, the third story and above must be set back a minimum of 10 feet from the outer wall of the first story of the building.
  - 2. For all buildings greater than 85 feet in height, the building must be set back an additional 10 feet at 85 feet and above.
- B. Height transitions under this subsection are only required for the portion of the façade directly abutting or confronting the single-unit detached dwelling, townhouse, or multiplex in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, or RMD-Infill zone.
- C. Height transition requirements do not apply to buildings of 50 feet in height or less.

**Figure 7.3.8-1: Mixed Use Design Standards - Massing and Height Transitions**



- (2) **Roofs.** Roof design must add interest to, and reduce the massive scale of, large buildings through the use of architectural treatments such as stepped or staggered rooflines; varying roof heights or pitches; cornices, dormers, or roof projections; variation in color or materials; and the addition of terraces, skylights, or light wells. The addition of solar panels, roof gardens, rainwater harvesting systems, and light color surfaces for energy and resource saving purposes are also encouraged.

A. Buildings in the MXT zone must have a gable, hip, or mansard roof.

**Figure 7.3.8-2: Mixed Use Design Standards - Roofs**



- (3) *Facades*. The below requirements apply to all building facades and exterior walls, including sides and backs.
- A. Side and rear facades must receive architectural treatment similar to that provided to the front facade to ensure consistent views from off-site locations and public areas onsite (e.g. parking lots, walkways, etc.).
  - B. All building facades greater than 250 feet long must vary the facade height to avoid a monotonous, monolithic appearance.

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Figure 7.3.8-3: Mixed Use Design Standards – Facade Height



- C. At the pedestrian level (generally within the first 10 feet of the building wall measured vertically at street level), facades must include architectural features to break up the building wall and contribute to visual interest at the pedestrian scale. These can include such things as wall offsets, reveals, or projecting ribs.
- D. Where the building height exceeds 35 feet, the architecture of the pedestrian level facade must differ from the upper levels.
- E. In the MXTD-235, MXTD-200, and MXTD-85, building facades that face public or private streets, except for private alleys or driveways, are subject to the following requirements:
  - 1. Ground floor facades must be between 16 and 20 feet in height.
  - 2. All facades greater than 100 feet long must include projections, recessions, or other similar treatments.

**Figure 7.3.8-4: Mixed Use Design Standards – Facade Design**



- (4) *Entryways.* The primary building entrance must be clearly defined and accessible. Primary building entrances must include design features such as canopies, awnings, or porches that enhance the pedestrian experience or offer shelter.
- (5) *Windows and doors.*
- A. All facades must include windows, awnings, or similar features.
  - B. All ground floor facades must include windows along at least 60 percent of the building length.
  - C. In all zones except the MXE and MXB, windows above the ground floor must be individual framed windows.

**Figure 7.3.8-5: Mixed Use Design Standards - Windows and Doors**



(6) *Materials and finishes.*

- A. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials must be avoided unless the exterior surface is concealed.
- B. Finishes that incorporate metallic or highly reflective surfaces must be limited to trim, signage, or accent areas and must not be applied to large, flat wall surfaces.
- C. The applicant may be required to submit a sample or specification sheet for any proposed exterior materials to demonstrate compliance with material standards.

(7) Items allowed not facing a public street. For all uses other than single-unit detached dwellings, townhouses, multiplexes, and cottage courts, the following items are only allowed either on sides not facing a public street or in the rear yard:

- A. Electric utility meters;
- B. Air conditioning compressors; and
- C. Irrigation and pool pumps.

**Sec. 25.7.3.9.      Parking structure design standards.**

(a) The following standards apply to parking structures:

(1) *Signage.*

- A. Access to a parking facility must be clearly marked with signage to facilitate vehicle access and reduce pedestrian and bicycle conflicts.
- B. Where an automated directional sign system is installed, there must be a readily legible indication from the street of the status of available parking within the structure.

(2) *Facades.*

- A. The architectural design of the pedestrian level facade (generally within the first 10 feet of the building wall measured vertically at street level) must differ from the upper levels. This can be achieved through elements such as awnings or canopies, architectural façade details, variations in fenestration, materials, or color.
- B. In all MXTD zones, the pedestrian level of all parking garages must be wrapped by other uses allowed in the zone.
- C. All façade treatment must include design features that screen, disguise, and conceal parking on upper stories. This can be achieved through wrapping with other uses or articulation and detailing of exposed facades with awnings, louvers, glass panels, perforated metal, grilles, screens, overhangs, vertical greenery, brick, stone, or similarly attractive material.
- D. Architectural features must be integrated into the design of rooftop stair and elevator towers.

Figure 7.3.9-1: Parking Structure Design Standards



- A** The architectural design of the pedestrian level facade differs from the upper levels
- B** Façade treatment conceals parking on upper floors



- C** Parking garage hidden by public-facing retail
- D** Continuous building frontage along street due to location of parking in rear



- E** Retail uses on the ground floor of the parking podium
- F** Discrete but visible signage directing vehicles

#### **Sec. 25.7.3.10. Alternative compliance.**

- (a) Alternative compliance to the standards of Sec. 25.7.3.6, Sec. 25.7.3.7, Sec. 25.7.3.8, or Sec. 25.7.3.9 may be approved by the Chief of Zoning or other applicable Approving Authority as defined in the Zoning Ordinance provided that the proposed alternative design:
  - (1) Meets or exceeds the intent of the requirement(s) for which alternative compliance is being requested.
  - (2) Provides an equal or better design solution.
  - (3) Accomplishes the purpose of the zone in which the site is located.
- (b) An applicant for alternative compliance must demonstrate, in a written statement, how their proposed alternative meets or exceeds each of the items list above.

### **Division 7.4. Special Zones**

#### **Sec. 25.7.4.1. Compliance with development standards.**

- (a) All development must comply with the development standards of the zone in which the development is located, except as provided elsewhere in this Chapter.

#### **Sec. 25.7.4.2. Park zone.**

- (a) *Purpose of the Park zone.* The Park zone is intended to:
  - (1) Provide for recreational and other compatible uses;
  - (2) Provide and maintain adequate open space areas within the City to ensure that conservation, safety, and recreational needs, both active and passive, are met;
  - (3) Enhance the visual, economic, and environmental character of the community; and
  - (4) Improve the appearance and value of neighborhoods through the preservation of natural features, and the provision of recreation areas and open space.
- (b) *Development standards.* The development standards of this zone are those development standards of the lowest density adjoining single dwelling unit residential zone.

#### **Sec. 25.7.4.3. Planned Development zones.**

- (a) *Purpose of the Planned Development Zones.* Prior to March 16, 2009, developments with special provisions for development standards and types of uses were approved through several types of special development procedures. These included comprehensive planned development, planned residential unit, preliminary development plan, and the I-3 zone optional method. Under these procedures, approved developments may have had little or no relation to the underlying zoning that existed at the time of development. Development of each planned development is governed individually by approval documents.
  - (1) To more clearly identify planned developments, they were placed in individual Planned Development (or “PD”) zones when the Zoning Ordinance was comprehensively

amended on March 16, 2009. Planned development governing documents are included by reference as the applicable standards in the respective Planned Development zones. In addition, one or more equivalent zones are designated for each Planned Development zone.

(b) *Uses.*

- (1) Only those uses specifically permitted by the applicable planned development governing documents are allowed in a planned development zone.
- (2) In addition to the uses specifically permitted by the planned development governing documents, the Mayor and Council, may approve uses as set forth in the equivalent zone through an amendment to an approved planned development. This is only allowed in areas of a planned development designated for nonresidential uses.

(c) *PD development standards.*

- (1) *General policy.* The planned developments located in the planned development zones were approved by resolution of the Mayor and Council or action by the Planning Commission as a unified, coherent design. In some instances, the development standards of the underlying zone applied to aspects of the development project but were not restated in the Mayor and Council's or Planning Commission's development project approval. Additionally, several of the planned development projects are subject to annexation agreements or development agreements with the City that have specific terms for how development is to proceed. Collectively, these documents constitute the planned development governing documents as defined by Sec. 25.2.2.16(w).
- (2) *Approved development standards.* Approved development standards set forth in the planned development governing documents apply to all portions of a planned development except as provided in Sec. 25.7.4.3(c)(3), below. This includes the:
  - A. Completed planned development projects;
  - B. Undeveloped or partially completed individual sites within a planned development;
  - C. The redevelopment of any portion of a planned development that does not require an amendment to the planned development governing documents.
- (3) *Equivalent zone development standards.*
  - A. For any portion of a planned development subject to an amendment to the planned development, the development standards of the equivalent zone designation for the planned development zone listed in Table 7.4.3-1 fully supersede the development standards contained in the planned development governing documents.
  - B. For any portion of a planned development proposed for development without the need for a planned development amendment, the development standards contained in the planned development governing document apply, except that the

equivalent zone designation for the planned development apply in the absence of development standards related to minimum setbacks, maximum building height, lot coverage, or lot dimension in the planned development governing documents.

- (4) *Waiver of equivalent zone standards.* The Approving Authority may waive the application of one or more of the development standards of the designated equivalent zone upon a finding that the applicant has shown good cause as to why the development standard should not apply to any portion of the planned development project. In determining whether the burden of establishing good cause has been met, the Approving Authority must consider the following:
- A. Whether the development standard of the equivalent zone is compatible with the completed portions of the planned development;
  - B. Whether applying the development standard of the equivalent zone is consistent with good planning and design principles;
  - C. Whether applying the development standard of the equivalent zone is reasonable and practically feasible. The cost of applying the standard may, but does not necessarily, demonstrate that applying the development standards of the equivalent zone is reasonable or practically feasible; and
  - D. Such other factors as the Approving Authority reasonably deems appropriate.

**Table 7.4.3-1: Planned Development Zones Establishment**

| Principal Development Pattern | Zone                      | Approval Date               | Resolution or Preliminary Development Plan, as May be Amended | Equivalent Zones <sup>1</sup> and Development Standards, Where Applicable |
|-------------------------------|---------------------------|-----------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------|
| Single-Unit Residential       | Meadow Hall, PD-MH        | August 23, 1965             | Resolution No. 62-65                                          | RMD-10                                                                    |
|                               | Fallsmead, PD-FM          | January 3, 1966             | Resolution No. 2-66                                           | R-60                                                                      |
|                               | Rockshire, PD-RS          | March 7, 1966; May 20, 2024 | Resolution No. 21-66; Resolution No. 09-24                    | MXNC for Commercial Uses                                                  |
|                               |                           |                             |                                                               | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                           |                             |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | New Marks Commons, PD-NMC | January 10, 1966            | Resolution No. 4-66                                           | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                           |                             |                                                               | RMD-10 for Townhouse Dwellings                                            |

| Principal Development Pattern | Zone                       | Approval Date      | Resolution or Preliminary Development Plan, as May be Amended | Equivalent Zones <sup>1</sup> and Development Standards, Where Applicable |
|-------------------------------|----------------------------|--------------------|---------------------------------------------------------------|---------------------------------------------------------------------------|
|                               | Redgate Farm, PD-RF        | March 13, 1967     | Resolution No. 14-67                                          | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                            |                    |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | Carter Hill, PD-CH         | August 4, 1969     | Resolution No. 48-69                                          | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                            |                    |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | Barnside Acres, PD-BA      | September 10, 1973 | Resolution No. 42-73                                          | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                            |                    |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | Dawson Farms, PD-DF        | April 21, 1980     | Resolution No. 7-80                                           | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                            |                    |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | Fallsbend, PD-FB           | May 12, 1980       | Resolution No. 12-80                                          | R-60                                                                      |
|                               | Flint Ledge Estates, PD-FL | June 1, 1981       | Resolution No. 13-81                                          | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                            |                    |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | Fallsmead 2, PD-FM2        | June 29, 1981      | Resolution No. 17-81                                          | R-60                                                                      |
|                               | Rose Hill Falls, PD-RHF    | January 23, 1990   | Resolution No. 3-90                                           | R-60 for Single-Unit Detached Dwellings                                   |
|                               |                            |                    |                                                               | RMD-10 for Townhouse Dwellings                                            |
|                               | Rose Hill, PD-RH           | December 8, 1997   | Resolution No. 32-97                                          | R-60                                                                      |
|                               | Buckingham Property, PD-BP | October 14, 2002   | Resolution No. 19-02                                          | R-90                                                                      |
|                               | Legacy at Lincoln Park,    | January 10, 2005   | Resolution No. 3-05                                           | R-60 for Single-Unit Detached Dwellings                                   |

| Principal Development Pattern        | Zone                  | Approval Date                                                                               | Resolution or Preliminary Development Plan, as May be Amended                                                                                         | Equivalent Zones <sup>1</sup> and Development Standards, Where Applicable |
|--------------------------------------|-----------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
|                                      | PD-LG                 |                                                                                             |                                                                                                                                                       | RMD-10 for Townhouse Dwellings                                            |
|                                      | Chestnut Lodge, PD-CL | February 6, 2006; June 18, 2018                                                             | Resolution No. 3-06; Resolution No. 12-18                                                                                                             | R-90 for Single-Unit Detached Dwellings                                   |
|                                      |                       |                                                                                             |                                                                                                                                                       | RMD-15 for the Historic Lodge                                             |
| Mixed-Use Residential and Commercial | Tower Oaks, PD-TO     | October 12, 1987; September 27, 1993; January 8, 2001; August 1, 2016; and October 30, 2023 | Resolution No. 25-87; Resolution No. 21-93 (amendment); Resolution No. 1-01 (amendment); Resolution No. 20-16; and Resolution No. 15-23, respectively | RMD-10 for Townhouse Dwellings                                            |
|                                      |                       |                                                                                             |                                                                                                                                                       | RMD-25 for Apartment Dwellings                                            |
|                                      |                       |                                                                                             |                                                                                                                                                       | MXNC for Retail Commercial Uses                                           |
|                                      |                       |                                                                                             |                                                                                                                                                       | MXE for Office and Institutional Uses                                     |
|                                      | King Farm, PD-KF      | July 8, 1996                                                                                | Resolution No. 10-96                                                                                                                                  | R-60 for Single-Unit Detached Dwellings                                   |
|                                      |                       |                                                                                             |                                                                                                                                                       | RMD-10 for Townhouse Dwellings                                            |
|                                      |                       |                                                                                             |                                                                                                                                                       | RMD-25 for Apartment Dwellings                                            |
|                                      |                       |                                                                                             |                                                                                                                                                       | MXNC for Retail Commercial Uses                                           |
|                                      |                       |                                                                                             |                                                                                                                                                       | MXE for Office and Institutional Uses                                     |
|                                      | Fallsgrove, PD-FG     | February 22, 2000;                                                                          | Resolution 1-00;                                                                                                                                      | R-60 for Single-Unit Detached Dwellings                                   |

| Principal Development Pattern | Zone                           | Approval Date                         | Resolution or Preliminary Development Plan, as May be Amended            | Equivalent Zones <sup>1</sup> and Development Standards, Where Applicable                                               |
|-------------------------------|--------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
|                               |                                | August 1, 2005; and December 20, 2021 | Resolution No. 21-05 (amendment); and Resolution No. 18-21, respectively | RMD-10 for Townhouse Dwellings                                                                                          |
|                               |                                |                                       |                                                                          | RMD-25 for Apartment Dwellings                                                                                          |
|                               |                                |                                       |                                                                          | MXNC for Retail Commercial Uses                                                                                         |
|                               |                                |                                       |                                                                          | MXE for Office and Institutional Uses                                                                                   |
|                               | Town Square, PD-TS             | August 6, 2003                        | Preliminary development plan                                             | MXTD-200 in the Core Character Area and MXTD-235 in the MD-355 Character Area, pursuant to the Town Center Master Plan. |
|                               | KSI Apartments, PD-KSI         | July 14, 2004                         | Preliminary development plan                                             | MXTD-200                                                                                                                |
|                               | Twinbrook Commons, PD-TC       | April 4, 2005; October 3, 2022        | Resolution No. 9-05; Resolution No. 14-22                                | MXTD-235                                                                                                                |
|                               | Rockville Center, Inc., PD-RCI | May 2, 2005; December 8, 2014         | Resolution No. 10-05; Resolution No. 21-14                               | MXTD-200 in the Core Character Area and MXTD-235 in the MD-355 Character Area, pursuant to the Town Center Master Plan  |
|                               | Upper Rock, PD-UR              | May 23, 2005                          | Resolution No. 14-05                                                     | MXE                                                                                                                     |
|                               |                                |                                       |                                                                          | PD-UR development standards at Sec. 25.7.4.3(c)(4)YY.ZZ                                                                 |
|                               | Shady Grove, PD-SG             | February 9, 1998                      | Resolution No. 4-98                                                      | MXE                                                                                                                     |
|                               | Metro Center, PD-MC            | March 7, 2005; January 7, 2019        | Resolution No. 5-05; Resolution No. 3-19                                 | MXTD-235                                                                                                                |
|                               | Champion Billiards, PD-CB      | October 23, 2006;                     | Resolution No. 14-06;                                                    | MXCD                                                                                                                    |
|                               |                                |                                       |                                                                          |                                                                                                                         |
| Commercial                    |                                |                                       |                                                                          |                                                                                                                         |

| Principal Development Pattern | Zone | Approval Date      | Resolution or Preliminary Development Plan, as May be Amended | Equivalent Zones <sup>1</sup> and Development Standards, Where Applicable |
|-------------------------------|------|--------------------|---------------------------------------------------------------|---------------------------------------------------------------------------|
|                               |      | September 30, 2024 | Resolution No. 17-24                                          |                                                                           |

(d) *Fences in Planned Development zones.*

- (1) In a Planned Development zone approved prior to January 1, 1975, fences up to six feet tall will be allowed:
  - A. To replace an existing fence; or
  - B. If the location of the fence within such planned development is approved by the homeowner's association.

(e) *Signs in Planned Development zones.*

- (1) Except as otherwise provided in Article 10, signs in any of the Planned Development zones are regulated based on the applicable designated equivalent zones described in each Planned Development.
- (2) Notwithstanding the provisions of Article 10, freestanding signs in the PD-TS zone are specifically allowed, as follows:
  - A. One off-premises sign per lot limited to 35 square feet of sign area and 25 feet in height; and
  - B. Up to 18 off-premises signs limited to four square feet of sign area each and 10 feet in height installed on existing light posts located on lots covered by and subject to a preliminary development plan.
- (3) Notwithstanding the provisions of Article 10, the following standards apply in the PD-CB (Champion Billiards), PD-FG (Falls Grove), PD-KF (King Farm), PD-KSI (KSI Apartments), PD-MC (Metro Center), PD-RCI (Rockville Center, Inc.), PD-RS (Rockshire), PD-SG (Shady Grove), PD-TC (Twinbrook Commons), PD-TO (Tower Oaks), PD-TS (Town Square), and PD-UR (Upper Rock) zones:
  - A. Freestanding signs are allowed in accordance with the following:
    1. One freestanding sign facing each public road bordering the project and designated as a major arterial roadway or limited access highway;
    2. Such sign is limited to 100 square feet of sign area and 20 feet in height;
    3. Such signs must be located within the boundaries of the approved Planned Development;

4. Such signs must be located on property owned by the homeowner's association, civic association, or similar entity;
  5. Such signs must not use internal illumination; and
  6. Except in the PD-TS zone, a landscaped area at least two square feet per square foot of sign area in size must be provided at the base of the sign.
- B. Directional signs are allowed in accordance with the following:
1. Signs must not exceed three feet in square area; and
  2. If freestanding, signs must not exceed six feet in height.
- (4) *PD-UR (Upper Rock) development standards.*
- A. Development standards are those approved by the Mayor and Council as set forth in the resolution and as shown on the preliminary development plan, notwithstanding any contrary development standard for the I-3 optional method of development in effect at the time of the adoption of the resolution.
  - B. Minimum building setbacks for streets internal to the preliminary development plan area are as set forth in exhibit 4 to the preliminary development plan resolution, as may be amended.
  - C. No setbacks are required from lot lines or property lines that are not external boundaries of the preliminary development plan area.
  - D. There are no standards for minimum lot size and minimum lot width for record lots, provided that they conform to the blocks shown in the approved preliminary development plan.
  - E. Any lot platted as an ownership lot may be re-platted as a record lot.

## **Division 7.5. Overlay Zones**

### **Sec. 25.7.5.1. Compliance with development standards.**

- (a) All development must comply with the development standards of the overlay zone in which the development is located, except as provided elsewhere in this Chapter.

### **Sec. 25.7.5.2. Historic District overlay zones.**

- (a) Development in the Historic District Overlay zone must comply with the regulations of Article 11.

### **Sec. 25.7.5.3. Lincoln Park Neighborhood Conservation District Overlay Zone.**

- (a) *Subdivision standards.*

- (1) *Lots.* Lots within the Lincoln Park Neighborhood Conservation district are subject to the following standards:

- A. The assemblage of separate lots for new development is prohibited;

- B. The re-subdivision of existing original lots is prohibited; and
- C. The creation of new pipestem lots are prohibited.

(2) *Streets.*

- A. New streets and private driveways that serve more than one lot are prohibited.
- B. Culs-de-sac accessing structures set back from the main roads are prohibited.

(b) *Development standards.* Development within the Lincoln Park Neighborhood Conservation District Overlay zone is subject to the following development standards:

**Table 7.5.3-1: Lincoln Park Neighborhood Conservation District Overlay Zone Development Standards**

| Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                | Requirement                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------|
| Lot size (Max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                | 6,000 sq. ft.                                                              |
| Building Footprint (Max.) <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Existing One-Story Dwellings and Additions (Max.) <sup>2</sup> | 2,100 sq. ft. or the max. lot coverage of the base zone, whichever is less |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | All Other Principal Dwellings (Max.)                           | 1,800 sq. ft. or the max. lot coverage of the base zone, whichever is less |
| Front Setback (Min.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                | 25 ft.                                                                     |
| Building Height (Max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                | 30 ft. <sup>3</sup>                                                        |
| <sup>1</sup> The maximum building footprint does not include an unenclosed porch attached to the principal dwelling and facing a street frontage.<br><sup>2</sup> The existing one-story dwelling must be retained after construction of the addition to the principal dwelling. Additionally, the total square footage of the addition must not exceed the present total square footage of the house, unless a new single-unit dwelling permit, subject to all single-unit dwelling permit requirements, is applied for and obtained.<br><sup>3</sup> Measured from existing grade to the peak of the roof. |                                                                |                                                                            |

(c) *Alternative compliance.* The Chief of Zoning may approve a design for a principal dwelling that deviates from one or more of the standards in Sec. 25.7.3.(b), above, upon finding that the design:

- (1) Meets or exceeds the purpose and intent of the standard for which alternative compliance is requested;
- (2) Provides an equal or better design solution in terms of livability for residents and impacts on neighboring property; and
- (3) Accomplishes one or more of the following goals:
  - A. Conserves and strengthens the unique identity and sense of place that exists among residents in the neighborhood;
  - B. Promotes complementary and context-sensitive development between new and existing structures, while also allowing for creative design; and

- C. Maintains and enhances a walkable and pedestrian-friendly environment.
- (4) This subsection does not authorize the Chief of Zoning to approve a deviation from any standard of a property's base zone or any other provisions of this Chapter.
  - (5) Institutional uses are exempt from all conservation district development standards.

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## Article 8. General Development Requirements

### Division 8.1. Accessory Buildings and Structures

#### Sec. 25.8.1.1. Fences and retaining walls.

(a) *Generally.*

- (1) Fences must be constructed of standard or typical fence materials.
- (2) Fences and retaining walls are not subject to accessory structure setback requirements.
- (3) Additional regulations for fences in Planned Development zones are located in Sec. 25.7.4.3(d).

(b) Fences and retaining walls are subject to the restrictions outlined in Table 8.1.1-1, as applicable.

**Table 8.1.1-1: Fence and Retaining Wall Restrictions**

| Structure                                                                                         | Permitted Height                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fences in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill, RMD-10, RMD-15, RMD-25 | <p>Fences must not exceed four feet tall in the front yard, except that:</p> <ul style="list-style-type: none"><li>• Where the abutting street is classified as an arterial highway or greater, fences may be up to six feet tall in the front yard.</li><li>• Where the abutting street is an unimproved right-of-way, fences may be up to six feet tall. If the right-of-way is subsequently improved, any fence exceeding four feet in height is deemed nonconforming and may be maintained and repaired. If replaced, the fence must comply with the provisions of this section.</li></ul> <p>Fences must not exceed eight feet tall in the side or rear yard, except that:</p> <ul style="list-style-type: none"><li>• On a corner lot, fences must not exceed four feet above the curb level for a distance of 25 feet from the intersection of the street lines. Retaining walls made necessary by changes in street grade, width, or alignment are not subject to the limitations set forth in the preceding sentence.</li></ul> |
| Fences in the RHD and all MX zones                                                                | <p>Fences no greater than eight feet tall in the side or rear yard.</p> <p>Fences no greater than four feet tall are permitted in the front yard.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                   | Fences no greater than eight feet tall in the side or rear yard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                  |                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fences in the I-L and I-H zones  | Fences no greater than four feet tall are permitted in the front yard, except that the Approving Authority may allow a fence up to eight feet tall in the front yard as part of a site plan review.                                                                                                                                      |
| Fences on public school property | Fences no greater than six feet tall are permitted in the front yard of any public school property.                                                                                                                                                                                                                                      |
| Retaining walls                  | Where a retaining wall intended to hold back a mass of earth or other material is located along a lot line, it may be of any necessary height measured from the lower ground level. If the retaining wall is also intended to act as a fence for the property at the upper grade level, the fence height requirements of the zone apply. |

**Sec. 25.8.1.2. Air conditioners, heat pumps, and emergency generators.**

- (a) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, air conditioners, heat pumps, and emergency generators are subject to principal structure setbacks.
- (b) *Emergency generators.*
  - (1) Emergency generators may only be located in a rear yard or side yard, except that:
    - A. On a corner lot, an emergency generator may encroach into the front yard as allowed by Table 2.3.3-1 in Sec. 25.2.3.3.
  - (2) Emergency generators are subject to the noise regulations of Sec. 25.8.8.1(d).

**Sec. 25.8.1.3. Other accessory buildings and structures.**

- (a) *Applicability.* This Section applies to all accessory buildings and structures on properties developed with single-unit detached dwellings, townhouses, and multiplexes except the following:
  - (1) Air conditioners;
  - (2) Emergency generators;
  - (3) Fences and retaining walls;
  - (4) Flagpoles;
  - (5) Heat pumps;
  - (6) Signs; and
  - (7) Wireless communication facilities.

Accessory buildings and structures on properties developed with any land use not listed in Sec. 25.8.1.3(a) are subject to all requirements of the underlying zone.

- (b) *Requirements.* Accessory buildings and structures must be customarily associated with, and clearly incidental and subordinate to, a legally established principal structure. Such

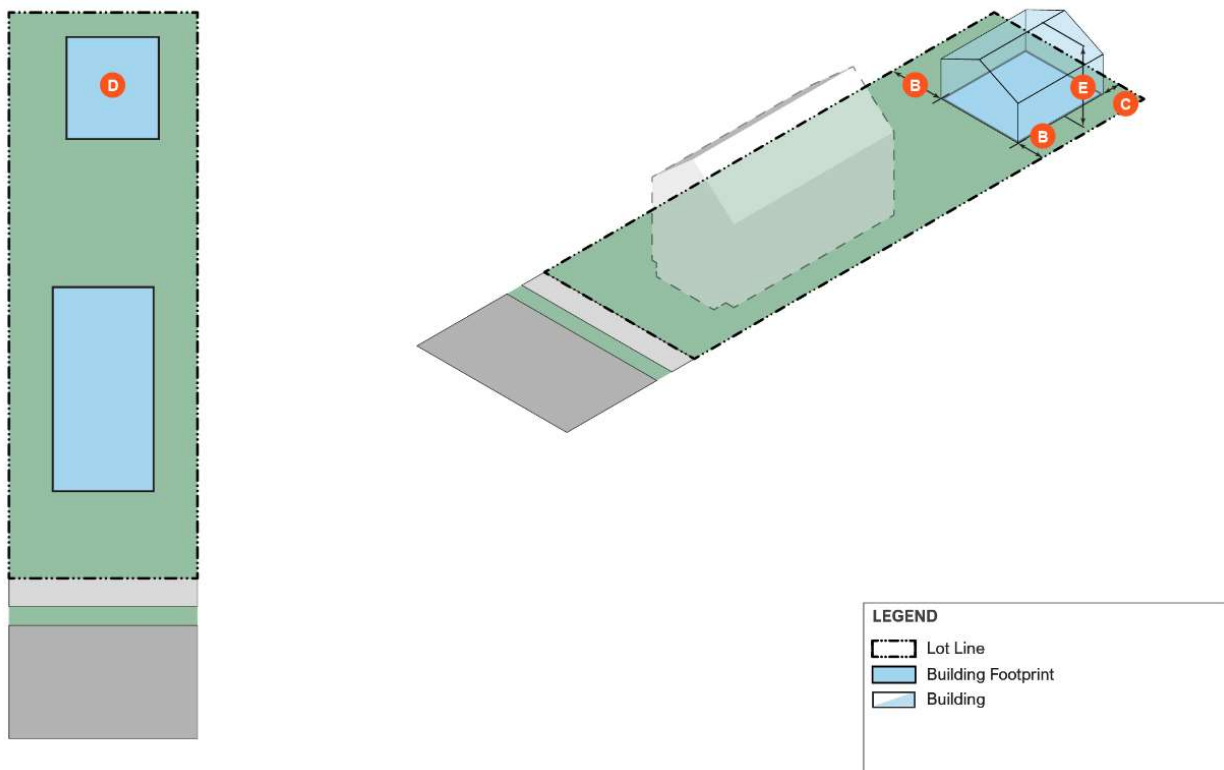
structures cannot be attached to the main building by any part of a common wall or common roof except as follows:

- (1) No more than one accessory building on a lot may be connected to a main building by an open, unenclosed breezeway with a length not exceeding 20 feet.

(c) *Residential accessory buildings and structures.*

- (1) Existing accessory buildings and structures. Accessory buildings and structures that were constructed in conformance with the standards in effect at the time they were erected are considered conforming and may be modified, repaired, or replaced so long as they conform to the standards under which they were built except that they must maintain a minimum setback of three feet from any property line.
- (2) Residential accessory buildings and structures are subject to the development standards in Table 8.1.3-1.

**Figure 8.1.3-1: Residential Accessory Buildings and Structures**



**Table 8.1.3-1: Residential Accessory Buildings and Structures Development Standards**

| Standard |                            |                              | R-400                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | R-200  | R-150  | R-90   | R-75 | R-60 | R-40 | RMD-Infill |
|----------|----------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|------|------|------|------------|
| A        | Side Setback (Min.)        | Street abutting <sup>1</sup> | 30 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 25 ft. | 30 ft. | 20 ft. |      |      |      |            |
| B        |                            | Land abutting                | <ul style="list-style-type: none"><li>• Buildings up to 12 feet tall: 3 feet</li><li>• Buildings 13 feet tall: 6 feet</li><li>• Buildings 14 feet tall: 9 feet</li><li>• Buildings 15 to 20 feet tall: 12 feet</li></ul>                                                                                                                                                                                                                                                                                                             |        |        |        |      |      |      |            |
| C        | Rear Setback (Min.)        |                              | <ul style="list-style-type: none"><li>• Buildings up to 12 feet tall: 3 feet</li><li>• Buildings 13 feet tall: 6 feet</li><li>• Buildings 14 feet tall: 9 feet</li><li>• Buildings 15 to 20 feet tall: 12 feet</li></ul>                                                                                                                                                                                                                                                                                                             |        |        |        |      |      |      |            |
| D        | Footprint (Max.)           |                              | For accessory dwelling units, the maximum footprint is determined by Sec. 25.6.2.7. For all other accessory structures, maximum footprint is as follows: <ul style="list-style-type: none"><li>• The maximum footprint of any one accessory building or structure is 750 square feet or the footprint of the main building, whichever is less.</li><li>• The maximum total footprint of all accessory buildings on a single lot is 1,000 square feet or the area of the footprint of the main building, whichever is less.</li></ul> |        |        |        |      |      |      |            |
| E        | Height (Max.) <sup>2</sup> |                              | 20 feet or the height of the peak of the main building, whichever is less                                                                                                                                                                                                                                                                                                                                                                                                                                                            |        |        |        |      |      |      |            |

<sup>1</sup>The listed setbacks apply for accessory buildings and structures up to 12 feet tall. Those that exceed 12 feet in height must be set back an additional three feet for each additional foot (or any portion thereof) of building height up to 15 feet. Accessory buildings may exceed 15 feet in height, up to a maximum of 20 feet, with no additional setback required.

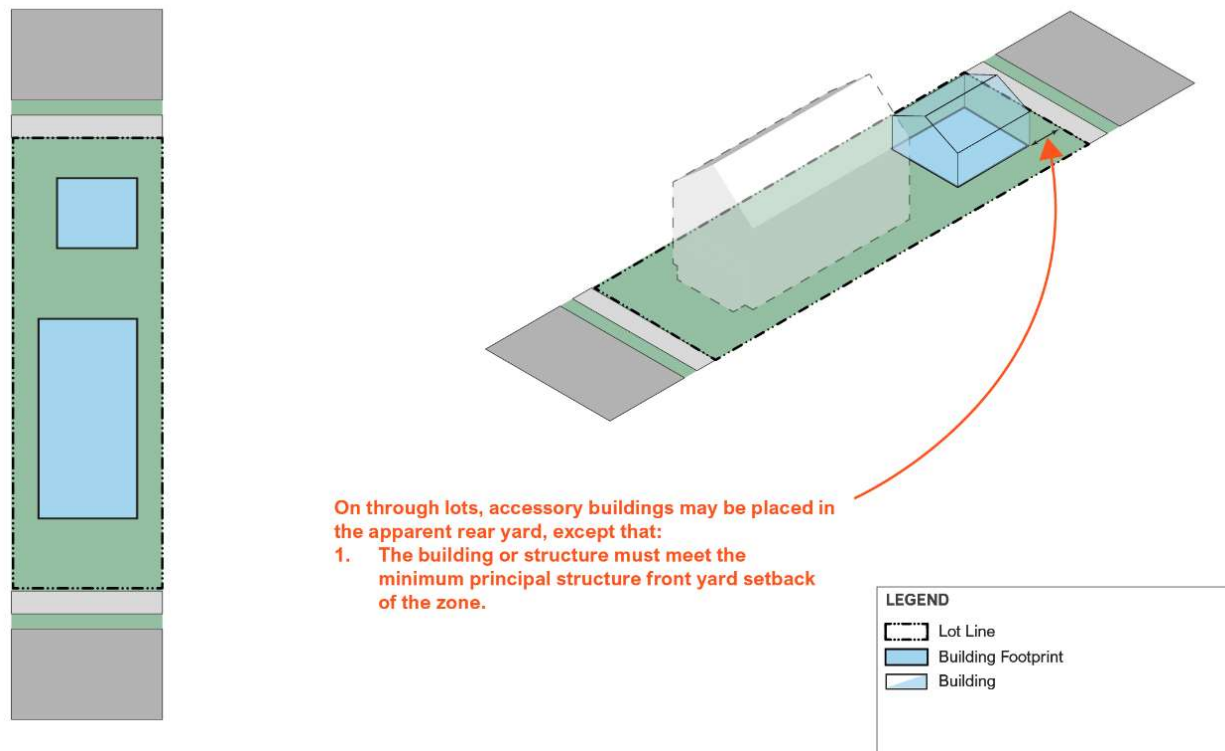
<sup>2</sup>The height of an accessory building or structure is measured from the lowest point of the finished grade at the front of the building to the highest point of the roof, as defined in Sec. 25.2.3.5(f)(1).

Additional height may be allowed in conformance with this Table.

(3) Residential accessory buildings and structures must be located in the rear yard, except as follows:

- A. *Accessory buildings on through lots.* On through lots, accessory buildings may be placed in the apparent rear yard, subject to the requirements of Table 8.1.3-1, except that the building or structure must meet the minimum principal structure front yard setback of the zone.

**Figure 8.1.3-2: Residential Accessory Buildings and Structures on Through Lots**



- B. *Small open structures.* Small open structures, such as gazebos, pavilions, and pergolas, are permitted with a 10-foot setback in a yard abutting a street, so long as they do not exceed a footprint of 100 square feet.

## **Division 8.2. Parking and Loading**

### **Sec. 25.8.2.1. Purpose.**

- (a) *Purpose.* The purpose of parking and loading requirements is to regulate and ensure the safe and adequate provision of parking spaces and loading facilities for all uses, while encouraging the use of public transit and other alternatives to the automobile.

### **Sec. 25.8.2.2. Applicability.**

- (a) This Division applies to all development, except for the following:
- (1) Construction of a shed, fence, or sign.
  - (2) The following activities when they are not associated with any other development activities:
    - A. Grading.
    - B. Clearing.
    - C. Underground utility work.

### **Sec. 25.8.2.3. General parking and loading requirements.**

#### **(a) Prohibited use of parking areas and loading spaces.**

- (1) Required off-street parking and loading spaces cannot be used for the storage, sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- (2) Required off-street parking and loading spaces cannot be reduced in area or encroached upon by buildings, trash receptacles, or any other purpose other than those intended by this Division.

#### **(b) Limitations on vehicular access.**

- (1) In the MXE, I-L, and I-H zones, vehicular access to any residential street is not permitted.

#### **(c) Residential zones.**

- (1) In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, the off-street parking of motor vehicles is limited to:
  - A. Passenger vehicles; and
  - B. One of either of the following per dwelling unit:
    1. One delivery-type commercial vehicle not exceeding three-quarter-ton capacity, or
    2. One truck that has been issued a special permit pursuant to section 23-27 of the City Code.
  - C. One trailer, provided that:
    1. The trailer is not used for dwelling purposes or any accessory use.
    2. The trailer is parked behind the front building line whenever possible.
  - D. 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. 25.6.8.4.
- (2) In the RMD-Infill, RMD-10, RMD-15, and RMD-25 zones:
  - A. Generally. The off-street parking of motor vehicles is limited to:
    1. Passenger vehicles; and
    2. One of either of the following per dwelling unit:
      - i. One delivery-type commercial vehicle not exceeding three-quarter-ton capacity, or
      - ii. One truck that has been issued a special permit pursuant to section 23-27 of the City Code.
  - B. The off-street parking of trailers is prohibited except when located on a lot whose principal use is a single unit detached dwelling.

#### **Sec. 25.8.2.4. Calculation of required parking.**

- (a) The minimum number of automobile parking spaces required in all zones is the sum of the number of spaces required for each applicable land use in the table in Table 8.2.5-1, unless otherwise provided in this Division.
- (b) *In general.*
  - (1) *Area Measurements.* Unless otherwise expressly stated, all requirements based on area (square footage) must be computed based on the sum of the gross floor area of a building devoted to a use requiring off-street parking. The following areas are not included:
    - A. Floor space devoted primarily to the housing of mechanical or electrical equipment.
    - B. Elevator shafts and stairwells.
  - (2) *Accessible spaces.* The minimum number of accessible parking spaces required under Maryland Accessibility Code and City Code Chapter 5 must be provided.
  - (3) *Electric Vehicle (EV) spaces.* The minimum number of electric vehicle parking spaces required under City Code Chapter 5, Article 8, must be provided.
  - (4) *Compact spaces.* Compact parking spaces may constitute up to 20% of the total parking spaces.
  - (5) *Parking in the right-of-way.* Any on-street parking space in a right-of-way counts toward the minimum number of required parking spaces if the space is:
    - A. Abutting the subject property.
    - B. Any such space removed by a public agency at a later date is not required to be replaced on-site.
- (c) *Exemptions.*
  - (1) *Uses near transit.*
    - A. Uses are exempt from the parking minimums shown in Table 8.2.5-1 if they are located within the following distance from transit:
      - 1. ½ mile of a Metro station.
      - 2. ¼ mile of an existing Bus Rapid Transit station or a Bus Rapid Transit station that has been funded for construction in the Montgomery County, Maryland, 6-year Capital Improvements Program at the time of application.

This subsection does not affect any requirements for the provision of loading areas or pick-up/drop-off (PUDO) spaces under this Division or applicable law.
    - B. *Place of worship uses.* No parking spaces are required for a building used by a congregation, whose religious beliefs prohibit the use of motor vehicles in

traveling to and from religious services on the Sabbath and principal religious holidays and which the building may only be used for religious services on the Sabbath and principal religious holidays and as a residence for the clergy and their family. Such a building must, however, provide two off-street parking spaces on its property. Other uses that may be located on the property that involve activities on days other than the Sabbath must provide off-street parking in accordance with this Division, or as may be required by the Board of Appeals in approving a Special Exception on the site.

(d) *Adjustments.*

(1) *In General.* Adjusted parking rates under this Section are not mandatory.

- A. *Electric vehicle parking spaces.* One electric vehicle parking space is equal to two required parking spaces, for up to 10% of the required parking spaces. The provision of electric vehicle parking spaces will not count against maximum parking space limits, where such limits apply.
- B. *Pick-up/drop-off (PUDO) spaces.* One on-site PUDO space located near an entrance is equal to two required parking spaces.
- C. *Moderately priced dwelling unit (MPDU) apartments.* For moderately priced apartment dwelling units, the required parking shown in Table 8.2.5-1 may be reduced by 50%.
- D. *Bicycle commuters.* The required parking shown in Table 8.2.5-1 may be reduced by 10% for developments that provide:
  - 1. Additional enclosed (indoor and locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and
  - 2. Shower and dressing areas for employees.
- E. *Shared parking.* An applicant proposing development with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (Third Edition, 2020) instead of using Table 8.2.5-1.

**Sec. 25.8.2.5. Minimum and maximum parking space requirements.**

(a) *Minimum parking requirements.*

- (1) The number of motor vehicle parking spaces required for each land use included in Article 6 is shown in Table 8.2.5-1.
- (2) *New development.* New development must comply with the minimum parking requirements of this Section as calculated under Table 8.2.5-1 and Sec. 25.8.2.4.
- (3) *Amendments to existing approvals.* An amendment to an existing approval that includes a change in floor area, use, or parking design requires recalculation of the

parking requirements for the approval. The parking ratios of Table 8.2.5-1 apply as follows:

A. *Increases in gross floor area.*

1. When the gross floor area on the site is proposed to increase by up to 25%, additional required parking must be provided only for the additional floor area.
2. When the gross floor area on the site increases by greater than 25%, the development must comply with the minimum parking requirements of this Division as calculated under Table 8.2.5-1 and Sec. 25.8.2.4.

B. *Changes in use.*

1. When a change in use results in a parking requirement less than or equal to 125% of the parking requirement for the existing use, no additional parking is required.
2. When a change in use results in a parking requirement greater than 125% of the parking requirement for the existing use, the use must comply with the minimum parking requirements of this Division as calculated under Table 8.2.5-1 and Sec. 25.8.2.4.

**Table 8.2.5-1: Minimum Parking Requirements**

| Category         | Use                                                     |                                   | Parking Minimum                           |
|------------------|---------------------------------------------------------|-----------------------------------|-------------------------------------------|
| Residential Uses | Apartment                                               | Studio Unit or 1 Bedroom Unit     | 1 per dwelling unit                       |
|                  |                                                         | 2+ Bedroom Unit                   | 1.5 per dwelling unit                     |
|                  | Child Care Home                                         |                                   | N/A                                       |
|                  | Cottage Court                                           |                                   | 1 per dwelling                            |
|                  | Dwelling, Single-Unit Detached                          |                                   | 2 per dwelling                            |
|                  | Dwelling Unit, Accessory                                |                                   | N/A                                       |
|                  | Housing for Senior Adults and Persons with Disabilities |                                   | 1 per 3 independent living dwelling units |
|                  | Life Care Facility                                      | Independent living dwelling units | 1 per 3 dwelling units                    |
|                  |                                                         | Assisted living or nursing care   | 1 per 4 beds                              |
|                  | Multiplex                                               |                                   | 2 per building                            |
|                  | Personal Living Quarters                                |                                   | 1 per resident room                       |

| Category                | Use                                                        |                 | Parking Minimum                                                                                                                                                               |
|-------------------------|------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | Townhouse                                                  | Studio unit     | 1 per dwelling unit;<br><br>1 visitor parking space per 2 units. Visitor parking may be provided onsite or within the right-of-way.                                           |
|                         |                                                            | 1 Bedroom Unit  | 1 per dwelling unit;<br><br>1 visitor parking space per 2 units. Visitor parking may be provided onsite or within the right-of-way.                                           |
|                         |                                                            | 2+ Bedroom Unit | 1.5 per dwelling unit;<br><br>1 visitor parking space per 2 units. Visitor parking may be provided onsite or within the right-of-way.                                         |
| Retail and Service Uses | <b>All Retail and Service Uses Unless Otherwise Listed</b> |                 | 1 per 300 sq. ft. GFA                                                                                                                                                         |
|                         | Bed and Breakfast                                          |                 | 0.33 per guest unit and 1 per 400 sq. ft. GFA of assembly/restaurant area                                                                                                     |
|                         | Event Space, Club, or Lodge                                |                 | 1 per 225 sq. ft. GFA                                                                                                                                                         |
|                         | Funeral Home                                               |                 | 1 per 225 sq. ft. GFA                                                                                                                                                         |
|                         | Home Maintenance Service                                   |                 | N/A                                                                                                                                                                           |
|                         | Hospital                                                   |                 | 1 per 3 patient beds                                                                                                                                                          |
|                         | Hotel                                                      |                 | 0.33 per guest unit and 1 per 400 sq. ft. GFA of assembly/restaurant area                                                                                                     |
|                         | Office <sup>1</sup>                                        |                 | 1 per 500 sq. ft. GFA                                                                                                                                                         |
|                         | Professional Services                                      |                 | 1 per 500 sq. ft. GFA                                                                                                                                                         |
|                         | Recreational Facility; Indoor, Commercial                  |                 | 1 per 600 sq. ft. GFA                                                                                                                                                         |
|                         | Recreational Facility; Outdoor, Commercial                 |                 | To address the variability inherent in this use, a parking plan to demonstrate that parking needs will be met on site is required, to be approved by the Approving Authority. |
|                         | Wholesale Establishment                                    |                 | 1 per 1,000 sq. ft. GFA                                                                                                                                                       |
| Automotive Uses         | <b>All Automotive Uses</b>                                 |                 | 4 spaces per service bay, or 1 space per 200 square feet of indoor space open/used for customer processing if bays do not exist, whichever is less.                           |

| Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Use                                               | Parking Minimum                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                   | Electrical vehicle charging stations and parking facilities excluded. |
| Industrial Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>All Industrial Uses</b>                        | 1 space per 2,000 sq. ft. GFA                                         |
| Institutional/<br>Public Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Adult Day Care                                    | 1 per 400 sq. ft. GFA                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Child Care Center                                 | 1 per 400 sq. ft. GFA                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Charitable or Philanthropic Institution           | 1 per 500 sq. ft. GFA                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Crematorium                                       | N/A                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Cultural Institution                              | 1 per 500 sq. ft. GFA                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Educational Institution, Private                  | 6 per classroom                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Park                                              | N/A                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Place of worship                                  | 1 per 300 sq. ft. GFA                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Public Utility Structure                          | N/A                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Publicly-Owned or -Operated Building or Structure | N/A                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Wireless Communication Facility                   | N/A                                                                   |
| Miscellaneous Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>All Miscellaneous Uses</b>                     | N/A                                                                   |
| <sup>1</sup> In a mixed-use building in the MXTD-235, MXTD-200, and MXTD-85 where the predominant use is office, the number of required parking spaces may be determined by applying an office use to the entire floor area of the building and not on the requirements for the individual uses, so long as the building meets the following standards: <ol style="list-style-type: none"> <li>1. Office uses occupy more than 75% of the gross floor area;</li> <li>2. The building fronts a block which is directly served by a Metro pedestrian bridge; and</li> <li>3. The building is not part of a previously approved project plan.</li> <li>4. If the mix of uses contains one or more restaurants that, in the aggregate, exceed 4,500 square feet of gross floor area, the parking requirement for the restaurant or restaurants must be calculated according to the restaurant parking standard.</li> </ol> |                                                   |                                                                       |

(b) *Reduction of minimum parking requirements.* The Approving Authority may permit a reduction in the number of required parking spaces, as follows:

- (1) A *de minimus* reduction up to 10% may be approved without a parking demand analysis.
- (2) A reduction of greater than 10% may be approved if the applicant provides a parking demand analysis demonstrating that the minimum required parking for the proposed development exceeds the practical demand of the proposed uses.

#### **Sec. 25.8.2.6. Maximum parking requirements.**

- (a) In the MXTD-235, MXTD-200, MXTD-85, MXCD, MXCT, MXNC, MXT, MXC, MXE, MXB, RMD-10, RMD-15, RMD-25, and RHD, the number of motor vehicle parking spaces is limited to 125% of the minimum required parking spaces established in this Section.
- (b) Existing parking facilities providing parking spaces over the maximum parking requirements of this Division are not required to remove excess parking.
- (c) Increase of maximum parking requirements. New parking above the maximum may be approved by the Approving Authority only if the applicant submits a parking demand study demonstrating how the maximum number of parking spaces allowed by this Division is insufficient for the proposed development.

#### **Sec. 25.8.2.7. Off-site parking facilities.**

- (a) The parking requirements set forth in Table 8.2.5-1 may be met off-site with the execution of an agreement or other instrument that ensures parking availability that is in a form satisfactory to the Chief of Zoning and the City Attorney. Any off-site facility used to meet requirements must be within a 1,000-foot walking distance of the entrance to the use being served to satisfy the parking requirements.

#### **Sec. 25.8.2.8. Minimum loading spaces required.**

- (a) *Minimum loading space requirements.* Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment must provide safe and adequate on site loading space, taking into consideration the size of the building and the uses allowed in such zone. Loading spaces must be provided as follows:

**Table 8.2.8-1: Minimum Loading Spaces Required**

| Use Category                                                         | Unit Measure                                                     | Minimum Number of Loading Spaces |
|----------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------|
| Residential Uses (Apartment Dwellings and Life Care Facilities only) | At least 100 dwelling units and but less than 300 dwelling units | 1                                |
|                                                                      | Each additional 200 dwelling units or major fraction thereof     | Add 1                            |
| Retail Sales and Service Uses                                        | At least 5,000sf GFA but less than 10,000sf GFA                  | 1                                |
|                                                                      | At least 10,000sf GFA but less than 100,000sf GFA                | 2                                |
|                                                                      | Each additional 100,000 sq. ft. GFA or major fraction thereof    | Add 1                            |
| Medical, Office, Professional Services, and Hotel Uses               | At least 10,000 sq. ft. GFA but less than 100,000 sq. ft. GFA    | 1                                |
|                                                                      | Each additional 100,000 sq. ft. GFA or major fraction thereof    | Add 1                            |

| Use Category                               | Unit Measure                                                 | Minimum Number of Loading Spaces |
|--------------------------------------------|--------------------------------------------------------------|----------------------------------|
| Industrial Uses except General Warehousing | At least 5,000 sq. ft. GFA but less than 25,000 sq. ft. GFA  | 1                                |
|                                            | At least 25,000 sq. ft. GFA but less than 50,000 sq. ft. GFA | 2                                |
|                                            | Each additional 50,000 sq. ft. GFA or major fraction thereof | Add 1                            |
| General Warehousing                        | At least 2,000sf GFA and up to 10,000 sq. ft. GFA            | 1                                |
|                                            | Each additional 40,000 sq. ft. GFA or major fraction thereof | Add 1                            |

- (b) *Reduction of minimum loading requirements.* The Approving Authority may permit a reduction in the number of required loading spaces if it finds that the applicant's alternate design ensures adequate loading is provided in a safe and efficient manner.
- (c) To support a request for a request, the applicant must submit to the Approving Authority a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

#### **Sec. 25.8.2.9. Minimum pick-up/drop-off (PUDO) spaces required.**

- (a) *Minimum PUDO space requirements.* Developments with 20 or more Apartment units must provide dedicated spaces for pick-up and drop-off, as follows:
- (1) Where no parking minimums and the development proposes no parking spaces, or where the applicant proposes a reduction of greater than 50% of the required parking, the development must provide:
    - A. One PUDO space per 75 Apartment units or fraction thereof, up to a maximum of six required PUDO spaces.
  - (2) In all other instances, the development must provide:
    - A. One PUDO space per 100 units (or fraction thereof), up to a maximum of five required PUDO spaces.
- (b) *Location.* PUDO spaces must be provided in one of the following locations, in order of priority:
- (1) On site;
  - (2) Within 200 feet of the site, outside of the public right-of-way; or
  - (3) If neither on-site nor off-site locations are feasible, or if no minimum on-site parking is required, PUDO spaces may be located in the adjacent right-of-way.
  - (4) Any PUDO space in the public right-of-way must comply with Chapter 21 of City Code.
- (c) *Design.*

- (1) On-site PUDO spaces may consist of, but not be limited to, parking spaces visible from the entrance to the building.
- (2) PUDO spaces must not be within a gated, controlled-access parking area, unless there is clearly marked free parking for a minimum of 15 minutes.
- (3) PUDO spaces must be signed and marked for 15-minute parking.
- (d) *Reduction of minimum PUDO requirements.* The Approving Authority may permit a reduction in the number of required PUDO spaces, up to the full amount required, if it finds that the applicant's alternate design ensures adequate pick-up and drop-off is provided in a safe and efficient manner.
  - (1) To support a request for a request, the applicant must submit to the Approving Authority a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

**Sec. 25.8.2.10. Minimum stacking spaces required.**

- (a) *Minimum stacking space requirements.* New development with a mechanical car wash or drive-through must provide a minimum number of drive-through stacking spaces, as established in Table 8.2.10-1. The space immediately adjacent to the drive-through window is included in the stacking space requirements.
- (b) *Stacking space design and dimensions.* Stacking spaces must be provided in drive-through lanes and may not impede other traffic in the parking facility. Stacking spaces must be a rectangle not less than nine feet wide and 18 feet long.

**Table 8.2.10-1: Minimum Stacking Spaces Required**

| Category            |                     | Minimum Number of Stacking Spaces                            |
|---------------------|---------------------|--------------------------------------------------------------|
| Mechanical car wash |                     | 5 times the simultaneous capacity of the mechanical car wash |
| Drive-through       | Bank                | 2 per drive-through window or ATM                            |
|                     | Restaurant          | 5 per pick-up window                                         |
|                     | Pharmacy            | 2 per drive-through window                                   |
|                     | Cannabis Dispensary | 2 per drive-through window                                   |

- (c) *Reduction of minimum stacking requirements.* The Approving Authority may permit a reduction in the number of required stacking spaces if it finds that the applicant's alternate design ensures adequate stacking is provided in a safe and efficient manner.
  - (1) To support a request for a request, the applicant must submit to the Approving Authority a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

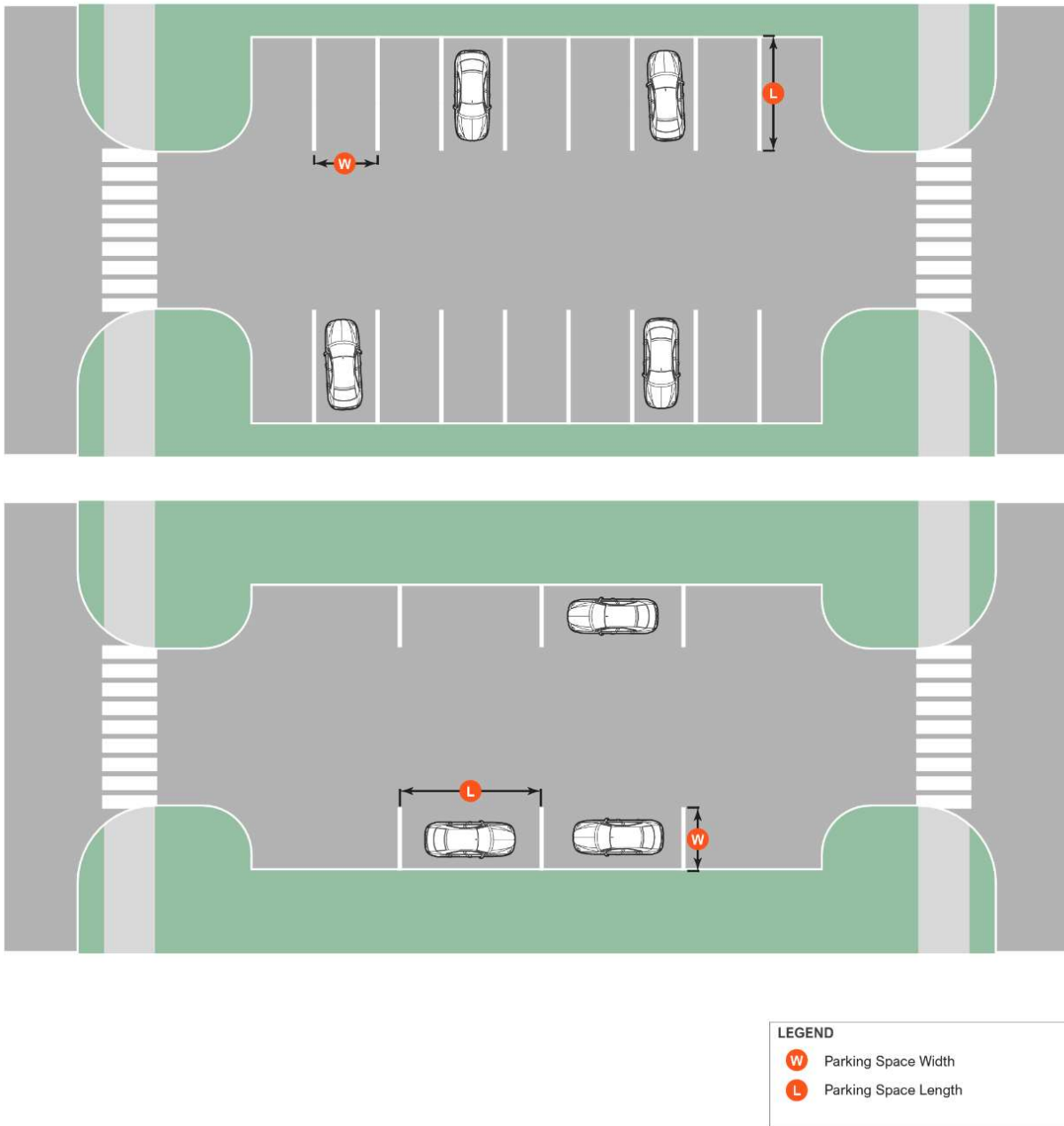
### **Sec. 25.8.2.11. Parking and loading design standards.**

#### **(a) *Parking spaces.***

##### **(1) *Parking space dimensions.***

- A. Automobile parking spaces, including electric vehicle parking spaces and PUDO spaces, must be a rectangle not less than nine feet wide and 18 feet long, except as follows:
  - 1. Accessible spaces and EV parking spaces designed for accessibility must be designed in accordance with Maryland Accessibility Code and City Code Chapter 5.
  - 2. Parallel parking spaces must be a rectangle not less than seven feet wide and 21 feet long.
  - 3. Compact parking spaces must be a rectangle not less than eight feet wide by 16 feet long.
  - 4. If a column or other obstruction would interfere with opening a car door, then the minimum stall width of the affected space must be increased by one foot.
- B. For purposes of computing the area of any parking space, a parking space may extend beyond a wheel bumper or curb provided that:
  - 1. The computed area of such parking space does not extend beyond a wheel bumper or curb more than two feet as measured along the side of the space which extends the greatest distance beyond the wheel bumper or curb; and
  - 2. The computed area of such parking space does not extend beyond a wheel bumper or curb which is more than six inches high, and the area of overhang is free of all obstructions above curb height.

**Figure 8.2.11-1: Parking Space Dimensions**



- (2) *Parking space design.* Automobile parking space must be designed and situated such that:
- A. Parking spaces are not installed on a grade greater than five percent.
  - B. All parking spaces are separated from walkways, sidewalks, roads, streets, or alleys by curbing and all sidewalks, walkways, and lot lines are protected from vehicular overhangs by wheel bumpers or curbs.

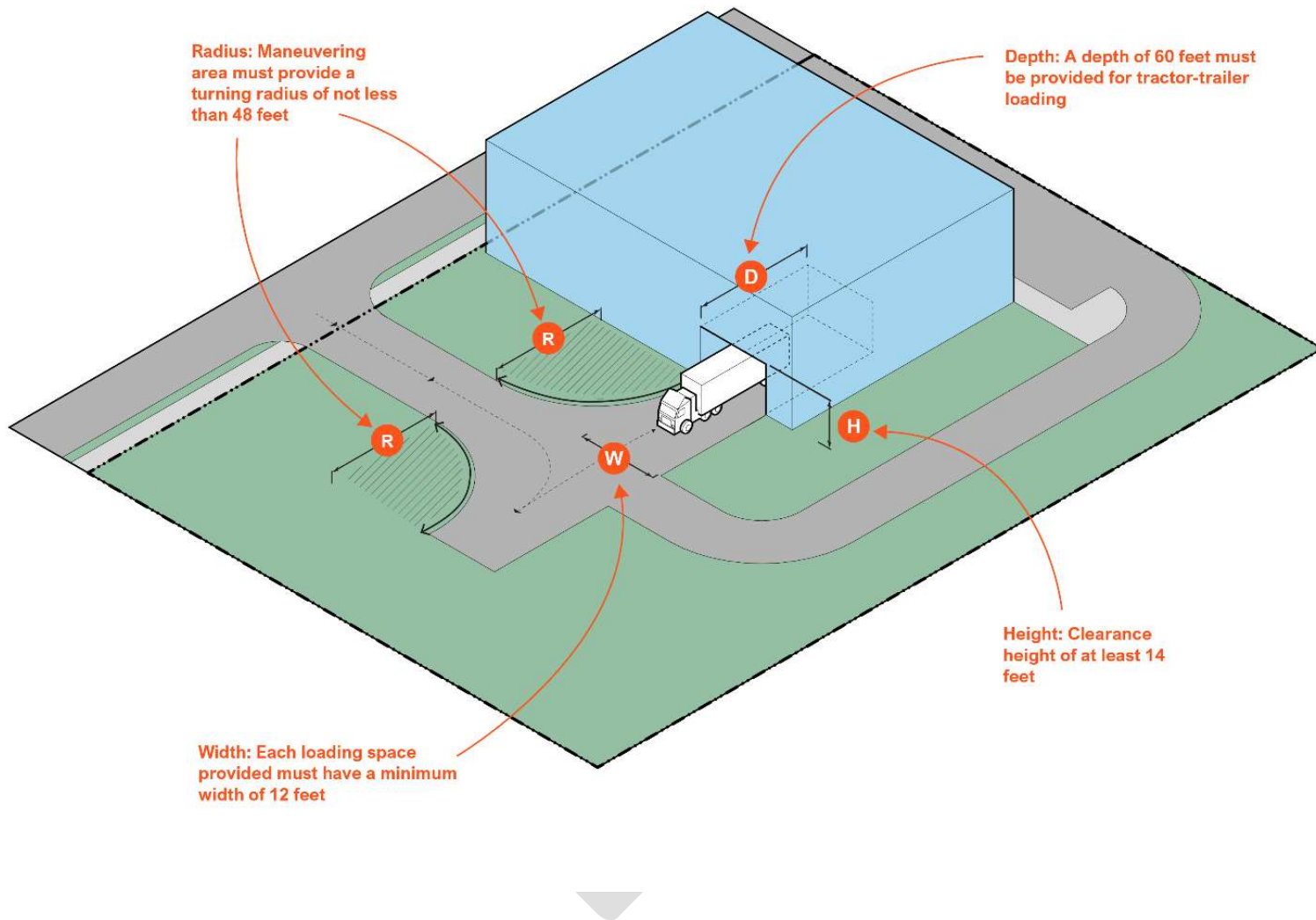
- C. Wheel bumpers and curbs are installed at least five feet from a street right-of-way line.
  - D. Each parking space must be clearly marked, and adequate pavement directional arrows or signs must be provided.
  - E. No off-street surface parking facility can contain more than 150 spaces. If a greater number of spaces is required by this Division, separate parking areas of not more than 150 spaces must be provided and must be separated by a landscaped area at least 10 feet in width.
- (3) *Compact parking spaces.*
- A. Compact parking spaces must be grouped rather than intermixed with standard-sized parking spaces.
  - B. Compact parking spaces must be clearly delineated and demarcated with signage indicating “Compact Cars Only”.
- (4) *Electric vehicle (EV) parking spaces and Electrical Vehicle Supply Equipment (EVSE).*  
Electric vehicle parking spaces and EVSE must comply with the below requirements.
- A. *Exceptions.* Where EV parking spaces are used exclusively for the charging of vehicles for commercial or industrial uses and are not available for use by the public, EV parking spaces and EVSE are not required to meet the design and signage standards of this Sec. 25.8.2.11(a)(4).
  - B. *Location of EVSE.* The placement of EVSE must meet the following requirements:
    - 1. EVSE may not impede pedestrian, bicycle, or automobile travel and must be located outside of sidewalk, bike lane, and drive aisle widths.
    - 2. EVSE may encroach into required parking space dimensions a maximum of one square foot at the top of the space. No EVSE may be placed within the dimensions of a space on the sides or entrance to a space.
  - C. *Design.*
    - 1. When EVSE cords and connectors are not in use, retraction devices or locations for storage must be located at a height sufficient to avoid conflict with pedestrians and vehicle maneuvering. Cords, cables, and connector equipment must not extend across the path of travel in any sidewalk.
  - D. *Signage for EV parking and EVSE.*
    - 1. Signage associated with EV parking spaces or EVSE must comply with the Annotated Code of Maryland, the Maryland Accessibility Code, and Chapter 5 of City Code, as applicable, and meet the following requirements:
      - i. Signage may not impede pedestrian, bicycle, or automobile travel and must be located outside of sidewalk, bike lane, and drive aisle widths.

- ii. Location of signage must not reduce the length of the electric vehicle parking space below the dimensional requirements of Sec. 25.8.2.11(a)(1).
  - iii. Signage for individual EV parking spaces must state that vehicles may only occupy EV parking spaces if actively charging.
  - iv. Signage for individual EV parking spaces must state any time restrictions, if applicable.
2. Signage no larger than six square feet that is located within five feet of an EV parking space or EVSE may be installed without a permit.

(b) *Loading spaces.*

- (1) *Loading space dimensions.* Each loading space provided must have a minimum width of 12 feet, clearance height of at least 14 feet, and depth sufficient to accommodate the maximum length of delivery trucks reasonably likely to serve the building. If intermediate tractor-trailer (WB-50) loading or unloading is reasonably likely, a depth of 60 feet must be provided. Loading space must be located so that trucks will not obstruct pedestrian, bicycle, or motor vehicle traffic movement or project into any public or private right-of-way. Maneuvering area must provide a turning radius of not less than 48 feet.

Figure 8.2.11-2: Loading Spaces



(c) *Driveways and drive aisles.*

(1) *Markings and signage.* Pavement markings and signs must be provided in sufficient quantities and locations to ensure safe and efficient on-site traffic circulation.

(2) *Maximum grades.*

- A. Driveways and drive aisles may not be installed on a grade in excess of:
- B. 5% in any area where parking is provided along the side of the drive aisle.
- C. 10% for commercial and industrial areas.
- D. 14% for all other areas.

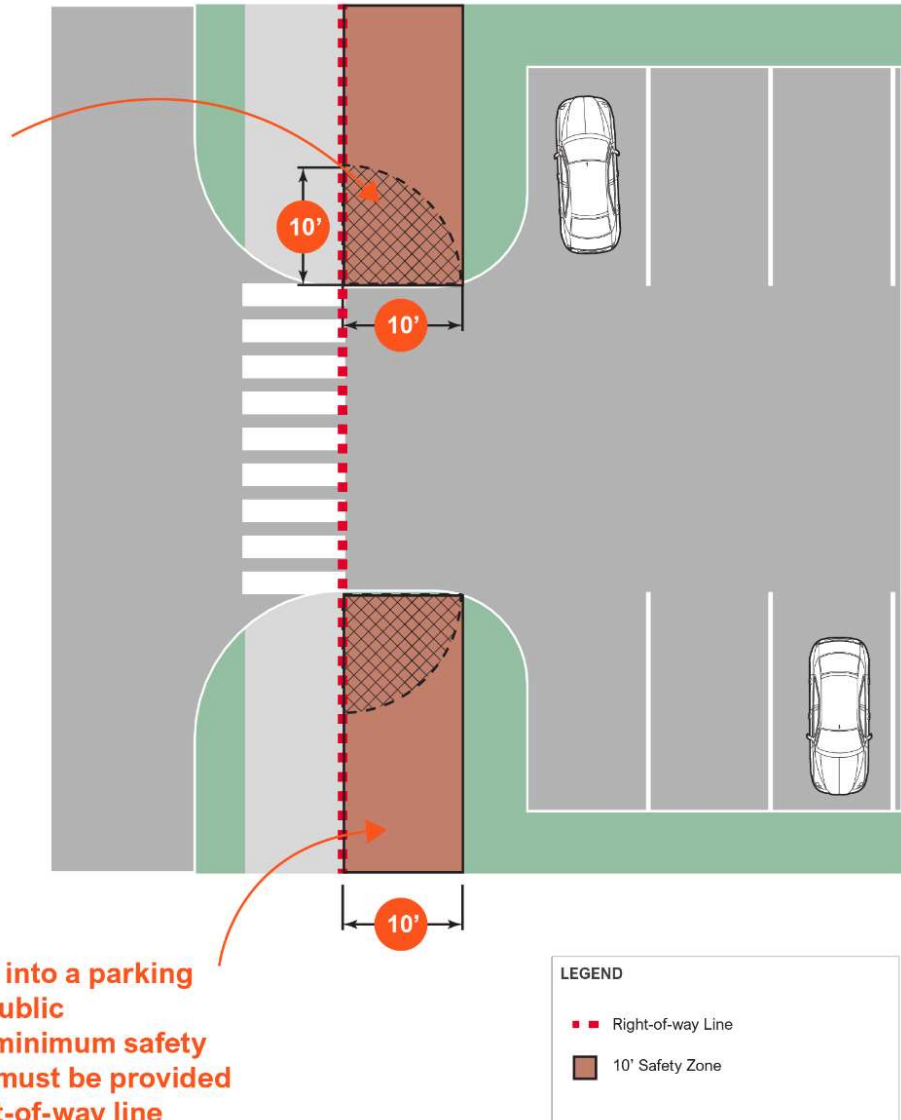
This requirement may be waived for ramps within parking structures.

(3) *Driveways.*

- A. *Generally.* Driveway aprons and entrances within the public right-of-way are subject to the standards and specifications of City Code Chapter 21.
- B. *Driveway width.*
  - 1. *Residential uses.*
    - i. Driveways serving single-unit detached, townhouse, multiplex dwellings, or a single dwelling unit within a cottage court, must be at least 10 feet wide.
  - 2. *Other uses.*
    - i. All other uses must be served by:
      - a. Two one-direction driveways at least 15 feet wide; or
      - b. One two-direction driveway at least 25 feet wide.
  - 3. Driveway widths may be required to be modified to accommodate turning movements and loading requirements as approved by the Director of Public Works.
- C. *Safety zones.*
  - 1. At the driveway into a parking facility from a public right-of-way, a minimum safety zone of 10 feet must be provided behind the right-of-way line to allow for maneuvering of motor vehicles within the parking facility.
  - 2. To ensure pedestrian safety where sidewalks cross driveways, opaque fences, dense vegetation, and structures greater than 3.5 feet tall are not permitted within a ten-foot distance of a driveway where it intersects with a sidewalk.

**Figure 8.2.11-3: Safety Zones**

Opaque fences, dense vegetation, and structures greater than 3.5 feet tall are not permitted within a ten-foot distance of a driveway where it intersects with a sidewalk

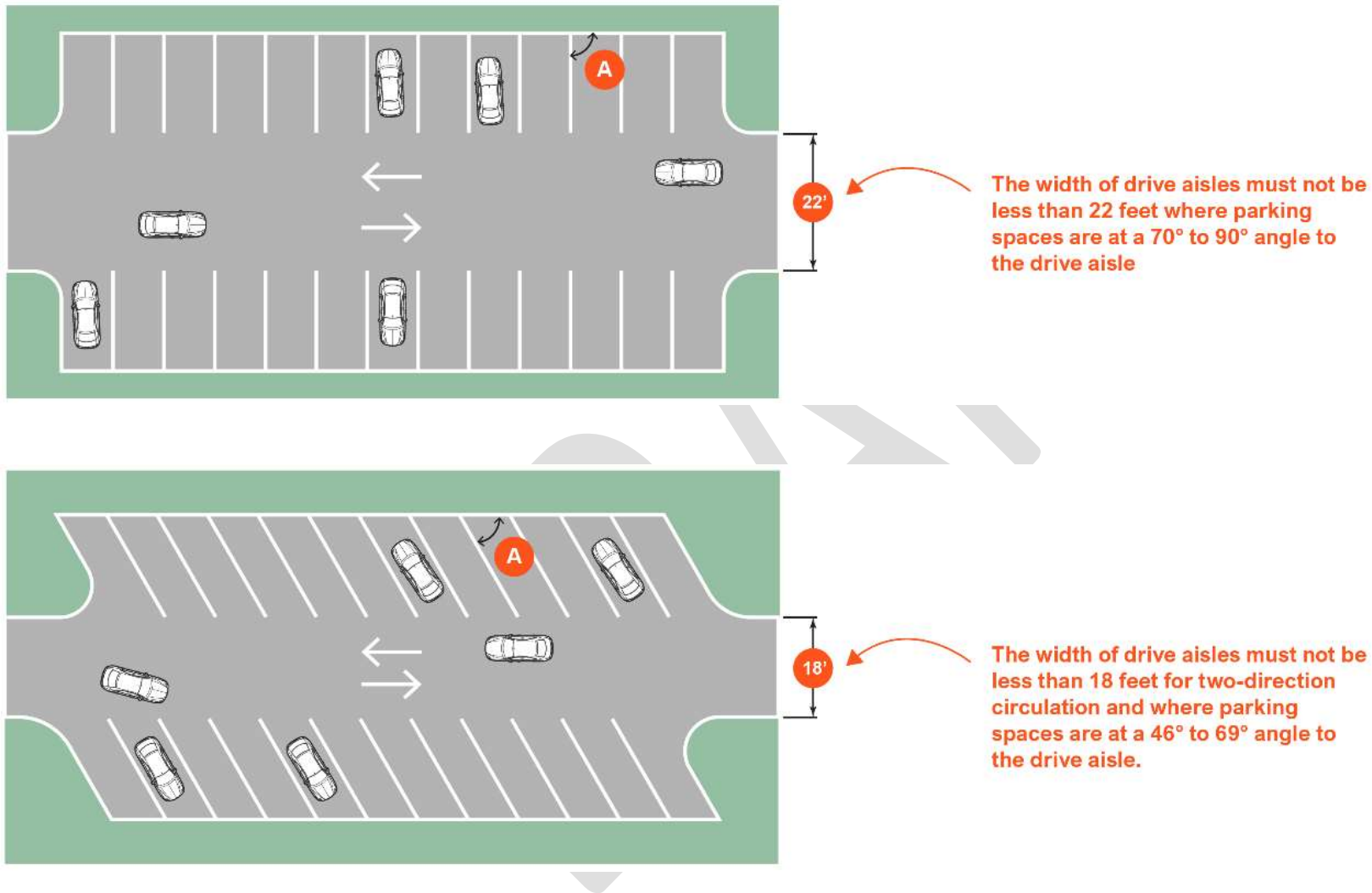


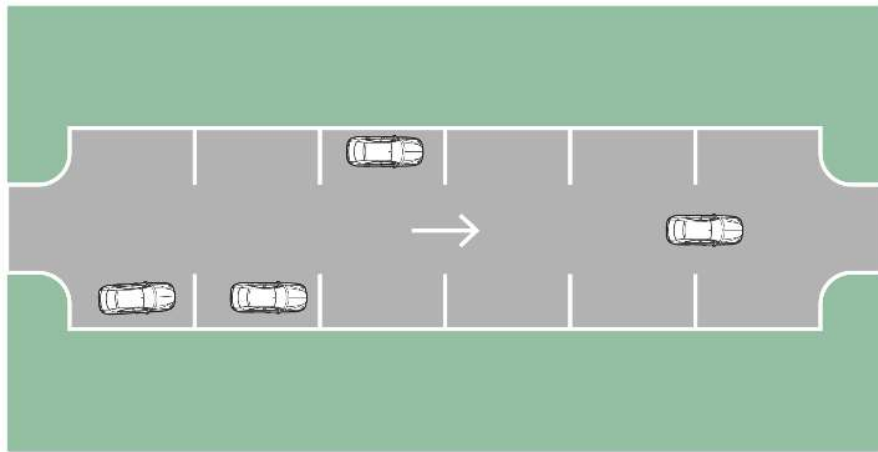
- (4) *Drive aisle dimensions.* The width of drive aisles must not be less than:
- A. 22 feet where parking spaces are at a 70° to 90° angle to the drive aisle, except that:
    1. 20-foot-wide drive aisles may be used when such spaces are provided in a parking structure; or
    2. When such spaces are not provided in a parking structure, the Approving Authority may grant a reduction in drive aisle width from 22 feet to 20 feet, based on a demonstrated constraint, including but not limited to:
      - i. Narrow lot dimensions;

- ii. Areas impacted by necessary dedications for rights-of-way or easements;  
or
  - iii. Existing non-conformities where full compliance with minimum drive aisle widths are not feasible.
- B. 18 feet for two-direction circulation and where parking spaces are at a 46° to 69° angle to the drive aisle.
- C. 14 feet for one-direction circulation and where parking spaces are at a less than 46° angle or parallel to the one-direction drive aisle.

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**Figure 8.2.11-4: Drive Aisle Dimensions**





The width of drive aisles must not be less than 14 feet for one-direction circulation and where parking spaces are at a less than 46° angle or parallel to the one-direction drive aisle.

| LEGEND                                                                              |                     |
|-------------------------------------------------------------------------------------|---------------------|
|  | Parking Space Angle |

- (d) *Paving specifications.* All off-street parking and loading areas must be so drained as to prevent damage to abutting properties or public streets and must be paved with a minimum of:
  - (1) A pervious paving material as approved by the Director of the Department of Public Works;
  - (2) Six inches of concrete;
  - (3) Six inches of bituminous asphalt;
  - (4) Six inches of compacted gravel and two inches of bituminous asphalt; or
  - (5) Other paving as approved by the Director of the Department of Public Works.
- (e) *Signage.*
  - (1) Access to a parking facility must be clearly marked with signage to facilitate vehicle access and reduce pedestrian and bicycle conflicts.
  - (2) Where an automated directional sign system is installed, there must be a readily legible indication from the street of the status of available parking within the structure.
- (f) *Solar canopies over parking facilities.*
  - (1) *Purpose.* This section regulates solar canopies erected over parking lots to promote renewable energy and ensure compatibility with adjacent land uses.
  - (2) *Location.* Solar canopies are permitted to be constructed or installed over parking spaces, drive aisles, and walkways located within parking facilities with seven or more parking spaces.
  - (3) *Design.* Solar canopies constructed or installed over parking lots must comply with the following:
    - A. Solar canopies must not produce glare onto adjacent buildings or roads.
    - B. A solar canopy must not be located less than 10 feet from any adjacent property.
  - (4) Ground-mount electrical equipment associated with solar canopies must be screened.
  - (5) Supports and structural elements may encroach into required parking space dimensions a maximum of one square foot at the top of the space. No supports or structural elements may be placed within the dimensions of a space on the sides or entrance to a space.

## **Division 8.3. Pedestrian and Bicycle Facilities**

### **Sec. 25.8.3.1. Purpose.**

- (a) The purpose of bicycle and pedestrian facilities requirements is to provide safe and convenient facilities for multimodal transportation.

### **Sec. 25.8.3.2. General requirements.**

- (a) *Applicability.* The requirements of this Section apply to pedestrian and bicycle facilities constructed on private property. Sidewalks provided within the public right-of-way are subject to the requirements of City Code Chapter 21.
- (b) Sidewalks and pedestrian walkways must:
  - (1) Conform to the requirements of the Maryland Accessibility Code.
  - (2) Meet the minimum requirements of the Standards and Details for Construction Manual issued by the Department of Public Works and any other provisions of Chapter 21 of the City Code, as applicable.
- (c) All signing and marking materials for pedestrian and bicycle facilities must comply with the latest edition of the Maryland Manual on Uniform Traffic Control Devices.

### **Sec. 25.8.3.3. Pedestrian and bicycle circulation.**

- (a) *Generally.*
  - (1) All sidewalks and pedestrian walkways must be a minimum of five feet wide.
  - (2) Sites must be served by an internal pedestrian and bicycle circulation system that provides safe, convenient, efficient, and accessible movement of pedestrians and bicycles to and through the site.
    - A. Continuous internal pedestrian walkways must be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site.
    - B. Sidewalks and bicycle facilities must connect the main entrance(s) of retail and multifamily residential uses to transit stops (on-site or on an adjacent street).
    - C. Pedestrian and bicycle facilities must provide direct connection from the site to adjacent existing trails, as well as any adjacent park, school, or community center property.
- (b) *Pedestrian and bicycle circulation in parking facilities.*
  - (1) Parking facilities must include pedestrian and bicycle facilities, as follows:
    - A. Pedestrian walkways and bicycle facilities must connect parking areas to building entrances, sidewalks, and adjacent public rights-of-way.
      - 1. Pedestrian walkways connecting parking areas to main building entrances must be along direct, logical routes, and must minimizing pedestrian-vehicle conflicts.
    - B. Sidewalks must be provided along the full length of any building where the building adjoins a parking lot.

- C. All parking facilities with three or more double-loaded rows must provide pedestrian pathways, as follows:
  1. One walkway is required for every three double loaded aisles.
  2. The walkway must be a minimum of eight feet in width if it is not grade-separated. Walkways may be reduced to five feet in width if designed as a grade separated walkway.
  3. The walkway must be located within the parking area to serve the maximum number of parking stalls.
- D. Where pedestrian walkways or sidewalks cross a drive aisle or driveway, the walkway or sidewalk must be marked with high-visibility materials.
- E. Pedestrian walkways must be paved with durable, slip resistant surfaces like concrete or pavers and marked with high-visibility materials. Stamped concrete, brick, or other surfaces detrimental to the comfort or safety of wheelchair users, strollers, pedestrians using white tipped canes, or other pedestrians must not be used.

#### **Sec. 25.8.3.4. Bicycle parking.**

##### **(a) Calculation of required bicycle parking.**

- (1) The number of bicycle parking spaces required for each land use included in Article 6 is shown in Table 8.3.4-1.
- (2) The bicycle parking requirement is the sum of the required bicycle parking for all uses served.

##### **(b) Required short- and long-term bicycle parking by use.**

**Table 8.3.4-1: Minimum Bicycle Parking Requirements**

| Category    | Use                                | Short-Term Parking (Min.)                                  | Long-Term Parking (Min.)                                  |
|-------------|------------------------------------|------------------------------------------------------------|-----------------------------------------------------------|
| Residential | Apartment                          | 1 space per 10 dwelling units, with a minimum of 4 spaces. | 1 space per 3 dwelling units, with a minimum of 4 spaces. |
|             | Child Care Home (Up to 8 Children) | N/A                                                        | N/A                                                       |
|             | Cottage Court                      | N/A                                                        | N/A                                                       |
|             | Dwelling Unit, Accessory           | N/A                                                        | N/A                                                       |
|             | Dwelling, Single-Unit Detached     | N/A                                                        | N/A                                                       |

| Category           | Use                                                     | Short-Term Parking (Min.)                                  | Long-Term Parking (Min.)                                   |
|--------------------|---------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|
|                    | Group Home, Large                                       | 1 space per 20 dwelling units, with a minimum of 2 spaces. | 1 space per 10 dwelling units, with a minimum of 2 spaces. |
|                    | Group Home, Small                                       | N/A                                                        | N/A                                                        |
|                    | Housing for Senior Adults and Persons with Disabilities | 1 space per 20 dwelling units, with a minimum of 2 spaces. | 1 space per 10 dwelling units, with a minimum of 2 spaces. |
|                    | Life Care Facility                                      | 1 space per 20 dwelling units, with a minimum of 2 spaces. | 1 space per 10 dwelling units, with a minimum of 2 spaces. |
|                    | Live/Work Unit                                          | 1 space per 5 dwelling units.                              | 1 space per 3 dwelling units.                              |
|                    | Multiplex                                               | 1 space per 10 dwelling units, with a minimum of 4 spaces. | 1 space per 3 dwelling units, with a minimum of 4 spaces.  |
|                    | Personal Living Quarters                                | N/A                                                        | N/A                                                        |
|                    | Townhouse                                               | N/A                                                        | N/A                                                        |
| Retail and Service | Adult-Oriented Establishment                            | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|                    | Alcoholic Beverage Production, Limited                  | 1 space per 5,000 sq. ft.                                  | 1 space per 7,500 sq. ft.                                  |
|                    | Alcoholic Beverage Retail Establishment                 | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|                    | Ambulance Service                                       | 1 space per 30,000 sf.                                     | 2 spaces per 15,000 sf.                                    |
|                    | Animal Boarding Establishment                           | N/A                                                        | N/A                                                        |
|                    | Animal Grooming Establishment                           | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|                    | Auctioneer or Commercial Gallery                        | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|                    | Bank or Financial Institution                           | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|                    | Bed and Breakfast                                       | N/A                                                        | 1 space per 2 guest rooms.                                 |
|                    | Cannabis Dispensary                                     | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|                    | Eating and Drinking Establishment                       | 1 space per 3,500 sq. ft.                                  | 1 space per 10,000 sq. ft.                                 |

| Category | Use                                        | Short-Term Parking (Min.)                                  | Long-Term Parking (Min.)                                   |
|----------|--------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|
|          | Event Space, Club, or Lodge                | 1 space per 5,000 sq. ft. with a minimum of 4 spaces.      | 1 space per 10,000 sq. ft. with a minimum of 2 spaces.     |
|          | Food Preparation Establishment             | 1 space per 2,500 sq. ft. with a minimum of 2 spaces.      | 1 space per 6,000 sq. ft. with a minimum of 2 spaces.      |
|          | Funeral Home                               | 1 space per 10,000 sq. ft. with a minimum of 2 spaces.     | 1 space per 20,000 sq. ft. with a minimum of 2 spaces.     |
|          | Health and Fitness Establishment           | 1 space per 2,000 sq. ft. GFA, with a minimum of 4 spaces. | 1 space per 5,000 sq. ft. GFA, with a minimum of 2 spaces. |
|          | Home Maintenance Service                   | 1 space per 16,000 sq. ft.                                 | 1 space per 4,000 sq. ft.                                  |
|          | Hospital                                   | 1 space per 20,000 sq. ft. with a minimum of 4 spaces.     | 1 space per 15,000 sq. ft. with a minimum of 4 spaces.     |
|          | Hotel                                      | 1 space per 20 rentable rooms.                             | 1 space per 10 rentable rooms.                             |
|          | Instructional Facility                     | 1 space per 5,000 sq. ft.                                  | 1 space per 10,000 sq. ft.                                 |
|          | Medical or Dental Laboratory               | 1 space per 10,000 sq. ft.                                 | 1 space per 10,000 sq. ft.                                 |
|          | Mobile Use                                 | N/A                                                        | N/A                                                        |
|          | Office                                     | 1 space per 16,000 sq. ft.                                 | 1 space per 4,000 sq. ft.                                  |
|          | Outdoor Sales and Storage                  | N/A                                                        | N/A                                                        |
|          | Pawnbroker                                 | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|          | Personal Care Facility                     | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|          | Professional Services                      | 1 space per 16,000 sq. ft.                                 | 1 space per 4,000 sq. ft.                                  |
|          | Recreational Facility; Indoor, Commercial  | 1 space per 5,000 sq. ft.                                  | 1 space per 10,000 sq. ft.                                 |
|          | Recreational Facility; Outdoor, Commercial | 1 space per 10 auto spaces.                                | 1 space per 20 auto spaces.                                |
|          | Retail Establishment                       | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|          | Shooting Gallery                           | 1 space per 5,000 sq. ft.                                  | 1 space per 10,000 sq. ft.                                 |
|          | Shopping Center                            | 1 space per 3,000 sq. ft.                                  | 1 space per 6,000 sq. ft.                                  |
|          | Studio                                     | 1 space per 20,000 sq. ft.                                 | 1 space per 10,000 sq. ft.                                 |

| Category                 | Use                                                | Short-Term Parking (Min.)                                    | Long-Term Parking (Min.)                               |
|--------------------------|----------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------|
|                          | Swimming Pool                                      | 2 spaces per 2,000 sf.                                       | 1 space per 4,000 sf.                                  |
|                          | Theater                                            | 1 space per 50 seats.                                        | 1 space per 100 seats.                                 |
|                          | Tobacco and Vape Shop                              | 1 space per 3,000 sq. ft.                                    | 1 space per 6,000 sq. ft.                              |
|                          | Veterinary Service                                 | 1 space per 10,000 sq. ft.                                   | 1 space per 10,000 sq. ft.                             |
|                          | Wholesale Establishment                            | 1 space per 20,000 sq. ft.                                   | 1 space per 20,000 sq. ft.                             |
| Institutional and Public | Adult Day Care                                     | 1 space per 10,000 sq. ft.                                   | 1 space per 5,000 sq. ft.                              |
|                          | Charitable or Philanthropic Institution            | 1 space per 5,000 sq. ft.                                    | 1 space per 10,000 sq. ft.                             |
|                          | Child Care Center                                  | 1 space per 10,000 sq. ft.                                   | 1 space per 5,000 sq. ft.                              |
|                          | Crematorium                                        | N/A                                                          | N/A                                                    |
|                          | Cultural Institution                               | 1 space per 5,000 sq. ft. with a minimum of 4 spaces.        | 1 space per 10,000 sq. ft. with a minimum of 2 spaces. |
|                          | Educational Institution, Private. (College)        | 1 space per 5,000 sq. ft.                                    | 1 space per 10,000 sq. ft.                             |
|                          | Educational Institution, Private. (Grade Pre-K-12) | 3 spaces per classroom.                                      | 1 space per classroom.                                 |
|                          | Park                                               | 1 space per each 10,000 sq. ft., with a minimum of 6 spaces. | N/A                                                    |
|                          | Place of Worship                                   | 1 space per 1,000 sq. ft.                                    | 1 space per 4,000 sq. ft.                              |
|                          | Public Utility Structure                           | N/A                                                          | N/A                                                    |
|                          | Publicly-Owned or - Operated Facility              | N/A                                                          | N/A                                                    |
|                          | Wireless Communication Facilities                  | N/A                                                          | N/A                                                    |
| Industrial               | Alcoholic Beverage Production                      | 1 space per 20,000 sq. ft.                                   | 1 space per 10,000 sq. ft.                             |
|                          | Artisanal Craft Production                         | 1 space per 20,000 sq. ft.                                   | 1 space per 10,000 sq. ft.                             |

| Category      | Use                                                               | Short-Term Parking (Min.)  | Long-Term Parking (Min.)   |
|---------------|-------------------------------------------------------------------|----------------------------|----------------------------|
|               | Data Center or Data/Cryptocurrency Mining                         | N/A                        | N/A                        |
|               | General Warehousing                                               | 1 space per 30,000 sq. ft. | 1 space per 20,000 sq. ft. |
|               | Industrial, Light                                                 | 1 space per 20,000 sq. ft. | 1 space per 10,000 sq. ft. |
|               | Industrial, Heavy                                                 | 1 space per 20,000 sq. ft. | 1 space per 10,000 sq. ft. |
|               | Junk Yard                                                         | N/A                        | N/A                        |
|               | Research and Development                                          | 1 space per 20,000 sq. ft. | 1 space per 5,000 sq. ft.  |
|               | Self-Storage Facility                                             | 1 space per 40,000 sq. ft. | 1 space per 20,000 sq. ft. |
| Automotive    | Automobile and Recreational Vehicle Sales or Rental Establishment | 1 space per 20,000 sq. ft. | 1 space per 5,000 sq. ft.  |
|               | Automobile Repair Establishment                                   | 1 space per 20,000 sq. ft. | 1 space per 5,000 sq. ft.  |
|               | Automobile Service Establishment                                  | 1 space per 20,000 sq. ft. | 1 space per 5,000 sq. ft.  |
|               | Automobile Towing Establishment                                   | N/A                        | N/A                        |
|               | Car Wash                                                          | N/A                        | N/A                        |
|               | Drive-Through Window                                              | N/A                        | N/A                        |
|               | Electric Vehicle Charging                                         | N/A                        | N/A                        |
|               | Gas Station                                                       | 1 space per 25,000 sq. ft. | 1 space per 12,500 sq. ft. |
| Miscellaneous | Backyard Chicken Coop                                             | N/A                        | N/A                        |
|               | Home-Based Business                                               | N/A                        | N/A                        |
|               | Renewable Energy System                                           | N/A                        | N/A                        |
|               | Temporary Uses                                                    | N/A                        | N/A                        |

(c) *Design of required bicycle parking.*

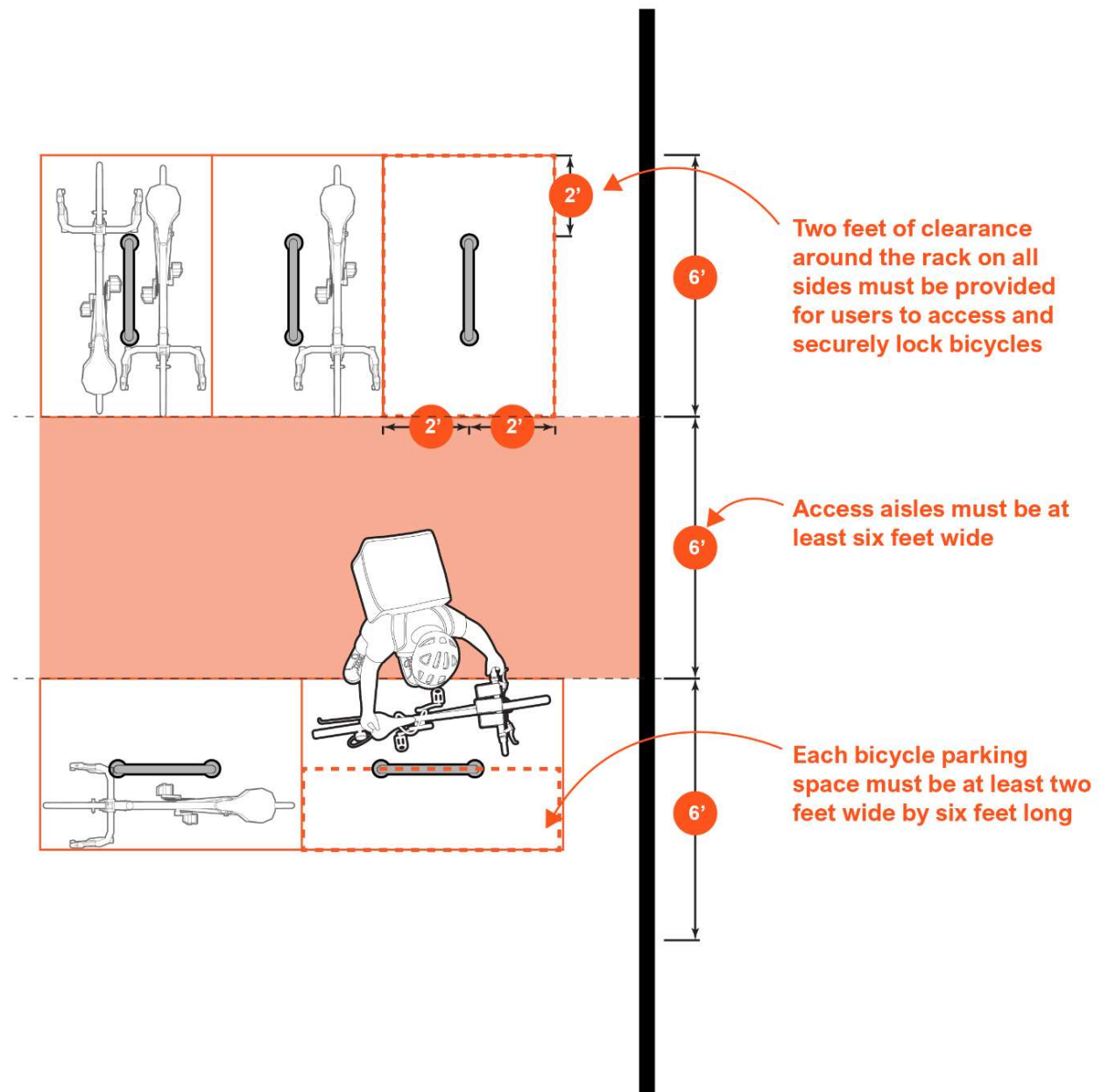
(1) *Generally.*

- A. Each bicycle parking space must be at least two feet wide by six feet long. Bicycle parking spaces must not encroach into adjacent sidewalks.

- B. Two feet of clearance around the rack on all sides must be provided for users to access and securely lock bicycles.
- C. Access aisles must be at least six feet wide to allow convenient entry and exit flow, simultaneous users, and accommodate lifting of bicycles where two-tiered racks are used.
- D. The area designated for bicycle parking and maneuvering must be hard surfaced and well-lit.
- E. If the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the sidewalk.

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**Figure 8.3.4-1: Design of Required Bicycle Parking**



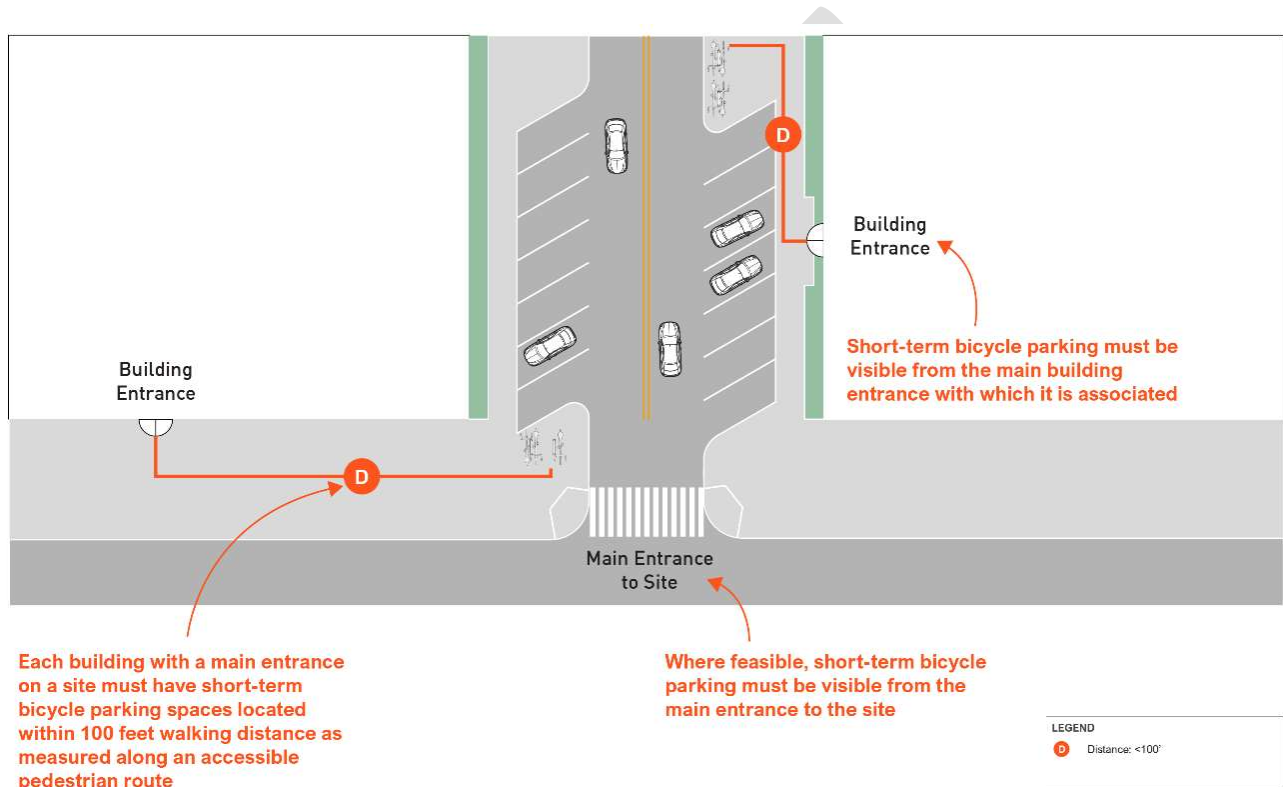
(d) *Short-term bicycle parking.* The following standards must be met for required short-term bicycle parking spaces:

(1) *Location.*

- A. Each building with a main entrance on a site must have short-term bicycle parking spaces located within 100 feet walking distance as measured along an accessible pedestrian route.

1. Short-term bicycle parking must be visible from the main building entrance with which it is associated.
2. Where feasible, short-term bicycle parking must be visible from the main entrance to the site. If short-term bicycle parking is not visible from the main entrance to the site, effective wayfinding must be provided between the entrance to the site and the short-term bicycle parking.

**Figure 8.3.4-2: Short-Term Bicycle Parking - Location**



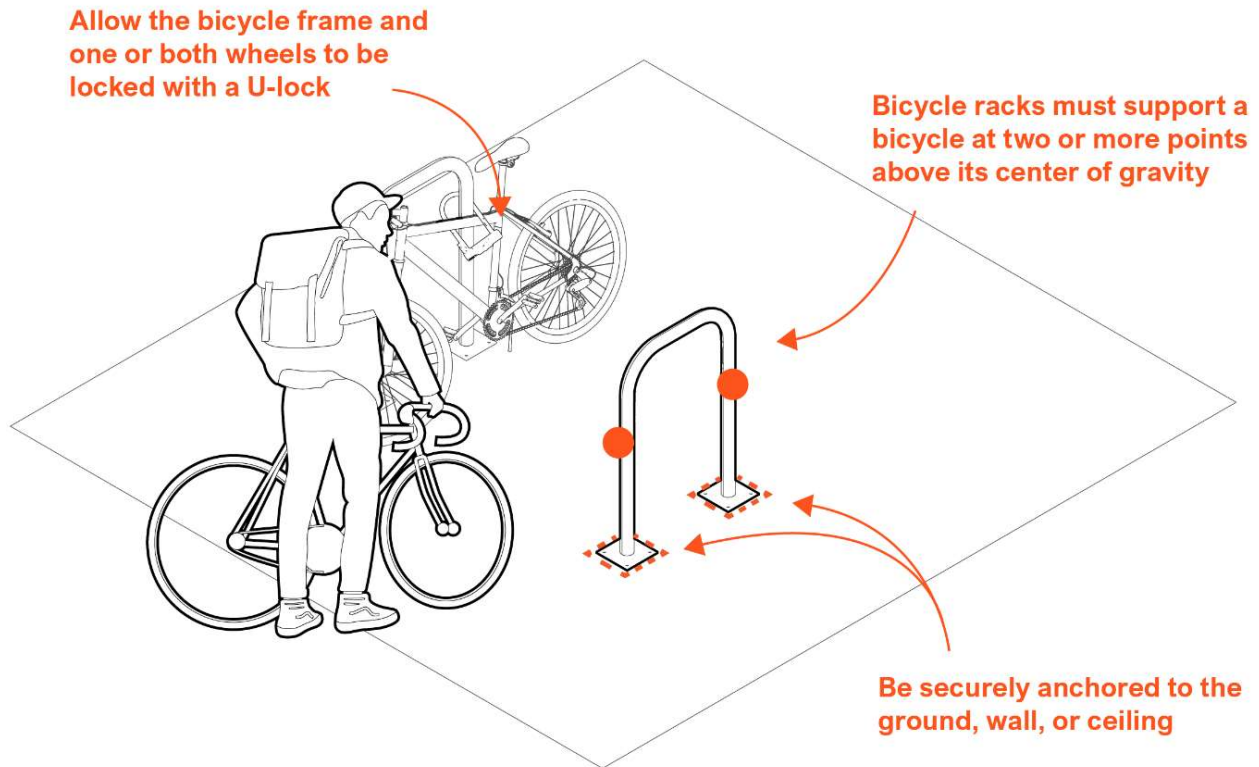
(2) **Design.** Short-term bicycle parking spaces must consist of racks or lockers.

A. **Bicycle racks.** Bicycle racks must:

1. Support a bicycle at two or more points above its center of gravity.
2. Allow the bicycle frame and one or both wheels to be locked with a U-lock.
3. Be securely anchored to the ground, wall, or ceiling.
4. Be constructed of hot-dip galvanized or stainless steel with a powder coat or plastic or rubber dipped coating.
5. For bike racks with elements that project outward, in which the bottom of the element is higher than 27 inches:
  - i. The element must project no more than 4 inches; or

- ii. The rack must be installed on a detectable footing/base that is at least 2.5 inches high so that it is detectable to people with vision impairments.

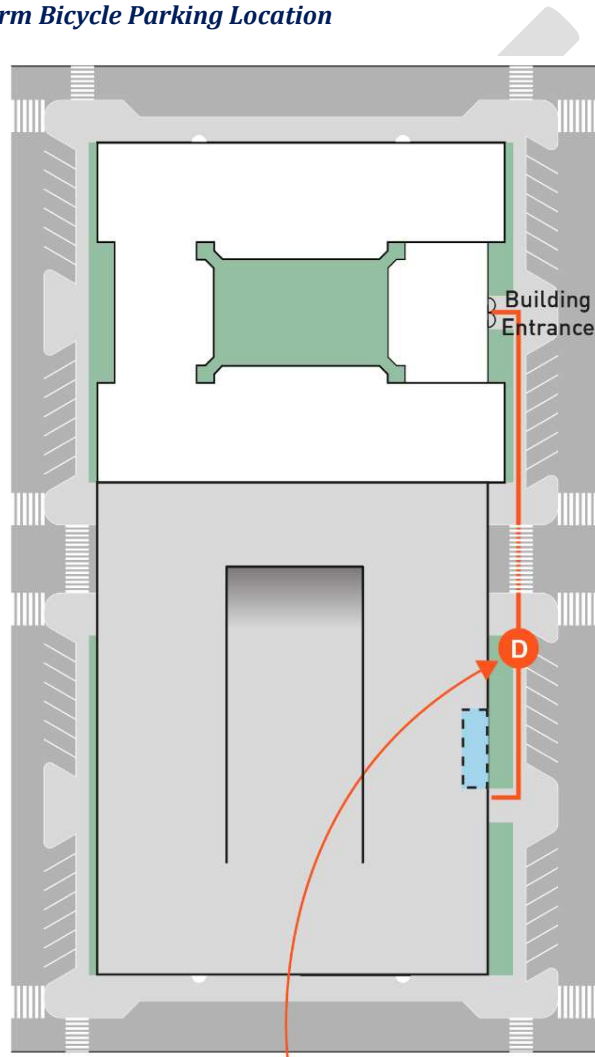
**Figure 8.3.4-3: Short-Term Bicycle Parking Design**



- B. *Bicycle lockers.* Bicycle lockers must be provided in accordance with city standards and must be securely anchored.
- (e) *Long-term bicycle parking.* The following standards must be met for required long-term bicycle parking spaces:
- (1) *Location.*
    - A. Long-term bicycle parking spaces must be within 300 feet walking distance of at least one main entrance to a site or building as measured along an accessible pedestrian route.
    - B. Where feasible, bicycle parking must be visible from the main entrance to the site. If bicycle parking is not visible from the main entrance to the site, effective wayfinding must be provided between the entrance to the site and the bicycle parking.
    - C. To heighten security, long-term bicycle parking must be in at least one of the following locations:
      - 1. A locked room.

2. An area enclosed by a floor-to-ceiling fence and secured with a locked gate.
3. An area visible by an attendant or security guard, or within 100 feet of an attendant or security guard.
4. An area monitored by a security camera.
5. An area contained within a dwelling unit. If long-term bicycle parking spaces are provided in a dwelling unit, neither racks nor lockers are required.

**Figure 8.3.4-4: Long-Term Bicycle Parking Location**



**Long-term bicycle parking spaces must be within 300 feet walking distance of at least one main entrance to a building as measured along an accessible pedestrian route**

| LEGEND                                                                                |                 |
|---------------------------------------------------------------------------------------|-----------------|
|  | Distance: <300' |
|  | Bike Parking    |

**(2) Design.**

- A. Long-term bicycle parking must meet the design requirements for short-term bicycle parking pursuant to Sec. 25.8.3.4(d)(2) and must also be covered. Covered

parking may be provided by locating the bicycle parking inside buildings, in bicycle lockers, under roof overhangs, awnings, canopies, or within or under other structures.

- B. Where required covered bicycle parking is not within a building or locker, the cover must:
  - 1. Be permanent;
  - 2. Protect the bicycle from rain and snow; and
  - 3. Be at least seven feet above the floor or ground.

(3) *Associated facilities.*

A. *Office uses.*

- 1. Where long-term bicycle parking spaces are provided for office use categories, the following requirements apply:
  - i. Two showers must be installed for every 50,000 square feet of gross floor area, up to a maximum of six showers. Showers must be accessible to all tenants of the building.
  - ii. Where long-term bicycle parking spaces are required for office use categories, two clothes storage lockers must be installed. The lockers must be installed adjacent to the showers in a safe and secured area and be accessible to all tenants.

B. *Residential uses.*

- 1. New residential development that provides long-term bicycle parking indoors must also provide charging infrastructure for electric bicycles.

**Sec. 25.8.3.5. Waiver.**

- (a) *Applicability.* An applicant may seek a waiver to the following sections of Article 8, Division 3:
  - (1) Sec. 25.8.3.3.
  - (2) Sec. 25.8.3.4.
- (b) *Application.* Where an applicant desires a waiver of such requirements, an application must be submitted to the Approving Authority with a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.
- (c) *Findings.* The Approving Authority may grant a waiver of such requirement if it finds that the alternative design ensures adequate bicycle and pedestrian facilities are provided in a safe and efficient manner.
- (d) *Conditions.* In granting waivers to the requirements of Sec. 25.8.3.3. or Sec. 25.8.3.4, the Approving Authority may impose any conditions the Approving Authority finds necessary to make the findings in Sec. 25.8.3.5(c).

## **Division 8.4. Amenity Space**

### **Sec. 25.8.4.1. Purpose.**

- (a) Amenity space ensures that City residents, employees, and patrons enjoy adequate access to open areas, recreation opportunities, and community connections. Amenity space also provides an opportunity to preserve natural or historic resources, reduce the heat island effect, provide civic and meeting spaces, enhance stormwater management, and secure other public benefits anticipated by the Comprehensive Plan or the Recreation and Parks Strategic Plan.

### **Sec. 25.8.4.2. Applicability.**

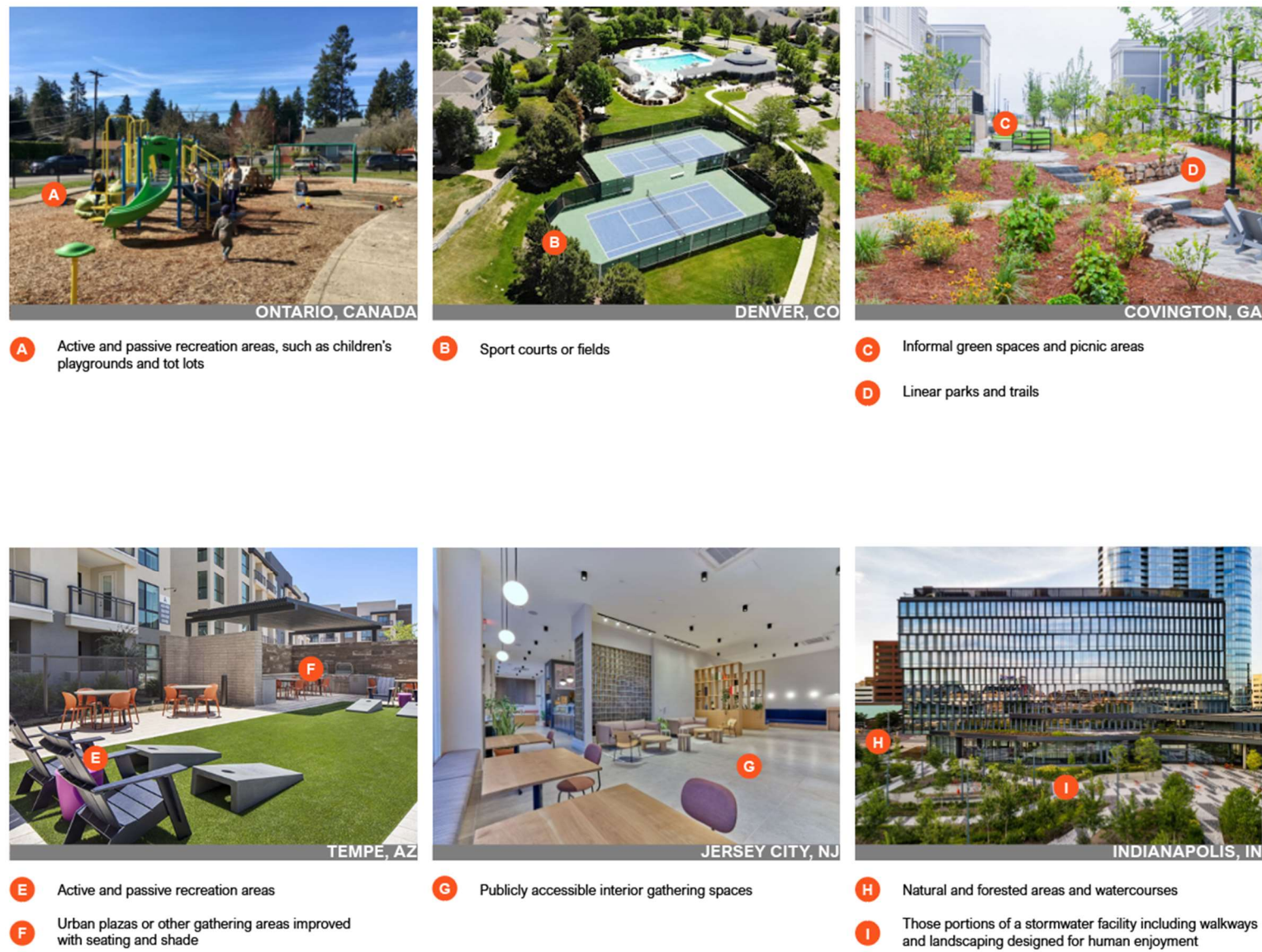
- (a) *Amenity space required.* Applications in all MXTD zones, as well as the MXCD, MXCT, MXNC, MXT, MXC, MXE, MXB, RMD-10, RMD-15, RMD-25, and RHD must provide amenity space in accordance with this Division, except as provided in Sec. 25.8.4.2(b). Any building expansion or cumulative addition that exceeds 100 percent of the existing gross floor area must also provide open space as set forth in this Division.
- (b) *Exceptions.* The following applications are excepted from this Division:
  - (1) An application for up to five dwellings;
  - (2) An application for an Industrial use or Automotive use;
  - (3) An application for a non-residential use with a gross floor area of up to 20,000 square feet;
  - (4) An application for a residential development which is 100 percent affordable at an average Area Median Income of 60 percent or less and located within one-quarter mile (1320 feet) of a public park or publicly accessible amenity space; and
  - (5) An application covering a site area as follows:
    - (6) In the MXTD zone, 1 acre (43,560 square feet) or less; or
    - (7) In all other zones, 20,000 square feet or less.

### **Sec. 25.8.4.3. Amenity space, defined.**

- (a) Amenity space is an area within a development site designed to meet the active or passive recreational needs of residents, patrons, employees, and the general public. Amenity space includes but is not limited to:
  - (1) Active and passive recreation areas, such as children's playgrounds and tot lots, sport courts or fields, informal green spaces and picnic areas, fountains, and swimming pools and associated improvements;
  - (2) Urban plazas or other gathering areas improved with seating and shade;
  - (3) Linear parks and trails;
  - (4) Publicly accessible interior gathering spaces;

- (5) Natural and forested areas and watercourses;
  - (6) Historical resources;
  - (7) Those portions of a stormwater facility including walkways and landscaping designed for human enjoyment; and
  - (8) Landscaping which is contiguous to or integral to the other features listed here.
- (b) Amenity space does not include the following:
- (1) Private yards;
  - (2) Street rights-of-way including sidewalks located within those rights-of-way or easements;
  - (3) Vehicular parking lots and required landscaped and circulation areas;
  - (4) Walkways when not otherwise associated with amenity space;
  - (5) Driveways and drive aisles; and
  - (6) Land covered by structures not designated for recreation or gathering.

Figure 8.4.3-1: Amenity Spaces



#### **Sec. 25.8.4.4. Amount of amenity space required.**

- (a) *Size of amenity space required.* Applications subject to this Division must provide a minimum of 10 percent of the development site area in amenity space.
- (b) Amenity space provided in fulfillment of these requirements may be dedicated to the City as determined by the Mayor and Council. Amenity space may be appropriate for dedication in circumstances including the following:
  - (1) When dedication is recommended by the Comprehensive Plan;
  - (2) When the site is five acres or greater or the amenity space is one-half acre or greater; and
  - (3) When dedication would further the recommendations of the Comprehensive Plan and Recreation and Parks Strategic Plan.

#### **Sec. 25.8.4.5. Design standards for amenity space.**

- (a) Amenity space must meet the following design standards:
  - (1) *Public access.*
    - A. Amenity space must be readily accessible and useable by occupants and users of the development as well as the general public, except as provided in Sec. 25.8.4.5(a)(1)A.1. Amenity space must be visible and accessible from the right-of-way or provided via public access easements.
      - 1. *Exceptions.*
        - i. For development in the MXTD zones, up to 50 percent of required amenity space may be accessible only to the residents of the development.
        - ii. For development consisting of predominantly office uses, the amenity space may be accessible only to the employees of the site.
        - iii. Where a swimming pool is provided for the purpose of satisfying amenity space requirements, the swimming pool may be accessible only to the residents of a development.
  - (2) *Configuration.*
    - A. The following amenity spaces may be non-contiguous:
      - 1. Publicly accessible interior gathering spaces;
      - 2. Amenity spaces established for the preservation of natural or historical resources.
      - 3. Any amenity space excepted from public access requirements under Sec. 25.8.4.5(a)(1)A.1.

- B. In all other cases, amenity space must be contiguous or interconnected unless a different configuration is approved by the Approving Authority.
  - C. If the development site is adjacent to existing or planned public trails, parks, or other public use space, the amenity space must be located to adjoin, extend, and enlarge the trail, park, or other public land.
- (3) *Features.* All features, such as seating, shading, lighting, art, play structures or other furniture, fixtures, and equipment must be of commercial quality and comply with industry standards for the use of such amenities in public spaces.
- (4) *Alternative compliance.*
- A. Alternative compliance to these design guidelines may be approved by the Chief of Zoning or other applicable Approving Authority as defined in the Zoning Ordinance provided that the proposed alternative design:
    - 1. Meets or exceeds the intent of the requirement(s) for which alternative compliance is being requested.
    - 2. Provides an equal or better design solution in terms of livability for residents.
    - 3. Accomplishes the purpose of this Division as established in Sec. 25.8.4.1.
  - B. An applicant for alternative compliance must demonstrate, in a written statement, how their proposed alternative meets or exceeds each of the items list above.
- (5) *Fee in lieu of public use space requirements.*
- A. The Approving Authority may approve the payment of a fee in lieu of some or all of the public use space requirement under any of the following circumstances:
    - 1. The City could use the fee to provide and/or improve another more usable public space in the vicinity of the project;
    - 2. The site cannot realistically provide the required area for public use and meet all of the other City development standard requirements; or
    - 3. The applicable master plan makes specific recommendations on how and where public use space is to be provided on or in the vicinity of the site.
  - B. Any approved fee in lieu of the public use space requirement shall be paid in an amount set by resolution of Mayor and Council.

**Sec. 25.8.4.6.      Ownership, management, and maintenance of publicly accessible amenity space.**

- (a) Publicly accessible amenity space must be managed and maintained in compliance with all applicable provisions of the Code and Maryland law. To the extent not inconsistent with Maryland law, public amenity space must be managed and maintained as permanent amenity space open to members of the public free of charge or for a nominal fee, through one or more of the following options:

- (1) Dedication to the City of Rockville as public parkland;
  - (2) Conveyance of amenity space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership;
  - (3) Conveyance of amenity space areas to a third-party beneficiary such as an environmental, historical, or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land; and
  - (4) Establishment of easements or covenants.
- (b) All options involving private ownership of amenity spaces must include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
  - (c) Amenity space designated for public use must be publicly accessible. However, the Approving Authority may allow reasonable limitations on access to the amenity space to meet safety, security, or ownership concerns.
  - (d) Responsibility for managing and maintaining amenity space rests with the owner of the amenity space. Failure to maintain amenity space in accordance with this Division and any applicable development approval or permit is a violation of this Chapter.

## **Division 8.5. Land Abutting Parks**

### **Sec. 25.8.5.1. Land abutting parks.**

- (a) On property abutting a City-owned park, excavation and grading are not permitted within 25 feet of any forest, as defined in Chapter 10.5, located on the City-owned park.

## **Division 8.6. Landscaping and Screening**

### **Sec. 25.8.6.1. Purpose of landscaping standards.**

- (a) The purpose of the landscaping and screening standards are to provide shade, enhance the appearance of parking facilities, and to minimize potentially disruptive impacts (including noise, dust, and other debris, motor vehicle headlight glare or other artificial light intrusion, and light industrial activities) from a use onto adjoining or nearby properties through appropriate screening and buffering.

### **Sec. 25.8.6.2. Applicability and administration of landscaping standards.**

- (a) *Applicability.* This Division applies to any development subject to the Project Plan, Site Plan, or Special Exception review provisions of Article 4, Divisions 1, 2, and 3.
- (b) *Administration.* The Chief of Zoning is responsible for the administration of these standards.
- (c) *Landscape plan.* A landscape plan must be submitted with any Project Plan and Level 2 Site Plan. A landscape plan may be required for a Level 1 Site Plan as determined by the Chief of Zoning.

#### **Sec. 25.8.6.3. General landscaping standards.**

- (a) *Application of standards.* The following standards apply to the preservation, installation, and maintenance of all landscaping, tree cover, screening, and barriers required by this Division.
  - (1) The planting and maintenance of all trees must be in accordance with the provisions of the Forest and Tree Preservation Ordinance as found in Chapter 10.5 of the City Code.
  - (2) Existing native vegetation which is suitable for use in compliance with the requirements of this Division may and should be used as required planting material.
  - (3) Required landscape strips may be used for low-impact design or bioretention measures planted in accordance with the requirements of Chapter 19 if deemed appropriate by the Chief of Zoning.
- (b) *Planting materials.* All plant materials must comply with the following:
  - (1) Plantings must be maintained to be well-branched and healthy.
  - (2) Plant materials must be planted in accordance with the American Association of Nurserymen's American Standard for Nursery Stock.
  - (3) *Tree and shrub specifications.* At time of planting:
    - A. Shade and ornamental trees must be a minimum 2.5" caliper.
    - B. Evergreen trees must be small to medium species with a minimum 7-8' clear height.
    - C. Shrubs must be evergreen species with a minimum height of 36".
- (c) *References.* In addition to the regulations cited here, reference must also be made to the approved Forest and Tree Preservation Manual for the following:
  - (1) Approved Planting Details for Trees;
  - (2) City Tree Protection and Planting Notes;
  - (3) Species Restriction List.

#### **Sec. 25.8.6.4. Parking facility landscaping standards.**

- (a) *Applicability.* These requirements apply to all parking facilities with seven or more parking spaces.
- (b) *Perimeter landscaping.*
  - (1) *Establishment of landscaping strip types.* For the purposes of this Division, the following landscaping strip types are established as found in Table 8.4.4 1: Landscaping Strip Types. Each landscape strip must include both trees and hedges in the amount and spacing listed.

**Table 8.6.4-1: Landscaping Strip Types**

| Type   | Width  | Required Plantings per 40 Linear Feet (Choose One) |                         |                        | Evergreen Shrubs per 40 Linear Feet | Example |
|--------|--------|----------------------------------------------------|-------------------------|------------------------|-------------------------------------|---------|
|        |        | Shade Trees (min.)                                 | Ornamental Trees (min.) | Evergreen Trees (min.) |                                     |         |
| Type A | 10 ft. | 1                                                  | 1                       | 1                      | 15                                  |         |
| Type B | 10 ft. | 1                                                  | N/A                     | 2                      | 15                                  |         |
| Type C | 10 ft. | 1                                                  | 2                       | N/A                    | 15                                  |         |

| LEGEND |                 |
|--------|-----------------|
|        | Shade Trees     |
|        | Evergreen Trees |
|        | Shrubs          |
|        | Berm            |
|        | Fence           |

- (2) *Abutting or adjoining a street right-of-way.* Where a parking facility adjoins a street right-of-way, a Type A landscaping strip must be provided. This width may be reduced through alternative compliance; however, wheel bumpers and curb stops must be installed at least five feet from a street right-of-way line as required by Sec.

8.2.11(a)(2)C. The use or combination of shade, ornamental, and evergreen trees must be determined by the site conditions and to avoid conflicts with the Street Tree Master Plan.

A. *Exceptions.*

1. The shrub requirement may be reduced by up to 50 percent if a wall, fence, or other method such as a change in grade or berm is provided and reduces the shrub requirement by 50 percent to further reduce the visual impact of the parking facility.
2. In the MXTD and MXCD zones, the Approving Authority may reduce the minimum width of the landscaping strip by up to 25 percent if a better design can be achieved through the provision of walls or fences in conjunction with landscaping.

- (3) *Abutting or adjoining property other than a street right-of-way.*

A. *Non-residential uses in residential zones.* When abutting or adjoining single-unit detached, townhouse, or multiplex dwelling uses, parking facilities in connection with any institutional or other nonresidential use in the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zone must provide a Type B landscaping strip, except that this requirement does not apply to a Child Care Home or a Home-Based Business.

1. Walls or berms, at least 3 feet high, or fencing of at least 75 percent of continuous opacity may reduce the amount of landscape plants by 50 percent.
2. In lieu of a buffer area, a setback of at least 20 feet from any adjoining residential use may be provided, but one shade tree must still be planted every 35 feet along the property line.

B. In all other cases where a parking facility adjoins a property other than a street right-of-way, a Type C landscaping strip must be provided.

- (4) *Abutting or adjoining a parking facility.* Where one parking facility adjoins or abuts another parking facility under different ownership or use, a Type C landscaping strip must be provided.

(c) *Internal landscaping of parking facilities.*

(1) *Generally.*

- A. A minimum of five percent of the internal area of any surface parking facility must be landscaped with shade trees.

- B. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving and does not include driveways, drive aisles without parking on either side, sidewalks, areas within islands that contain utilities below, or areas covered by solar canopies. The internal area includes all other planting islands and landscaped areas within the facility.
  - C. The shade trees must be distributed in order to increase shade. The applicant must demonstrate a good faith effort to preserve existing trees on the site of the planned parking area.
- (2) *Planting islands.* Within the interior of a surface parking facility, planting areas must be provided with shade trees serving as the primary landscaping material.
- A. The planting area must be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang.
    - 1. Where planting islands are parallel to the sides of parking spaces, planting islands must be at least ten feet long and nine feet wide, as measured from curb face to curb face.
    - 2. Where planting islands are at the heads of parking spaces, planting islands must be at least ten feet wide as measured from curb face to curb face.
- (3) *Landscaping materials.* The primary landscape material for parking facilities must be deciduous shade trees with ground cover or low shrubs. The use of tall shrubs or low branching trees that restrict visibility must be avoided.

#### **Sec. 25.8.6.5. Screening of equipment and trash areas.**

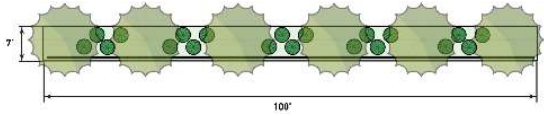
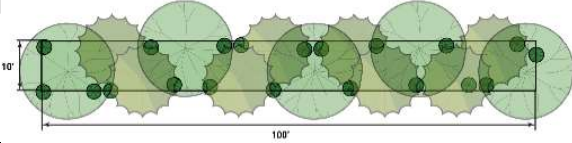
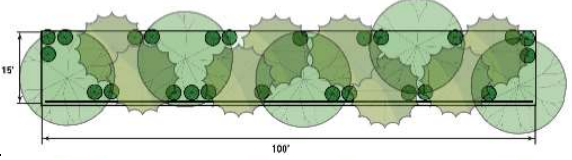
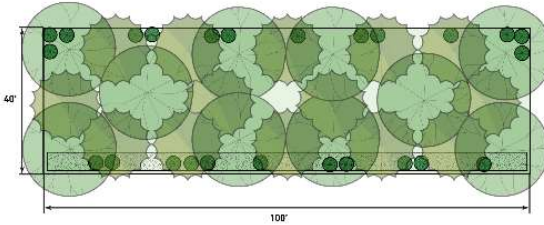
- (a) *Mechanical equipment.* All air conditioning equipment, transformers, emergency generators, elevator equipment, and similar mechanical equipment on any roof, ground, or building must be screened from public view so it is not visible at ground level from the edge of the property. A wood fence or similar treatment is not acceptable.
- (b) *Trash, recycling, and waste oil/grease collection areas.* All trash, recycling, and waste oil/grease collection areas must be inside a building or screened on four sides by an opaque wall or fence at least as tall as the trash, recycling, or waste oil/ grease collection receptacle so it is not visible at ground level from the edge of the property.

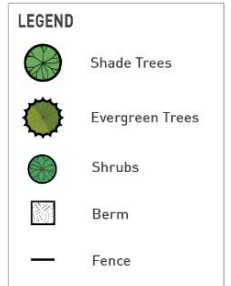
#### **Sec. 25.8.6.6. Transitional bufferyard landscaping standards.**

- (a) *General.* A transitional bufferyard is an area of land located parallel to and within the outer perimeter of a lot or parcel, which contains the required landscaping, berm, fence, or any combination thereof required by this Section. Transitional bufferyards provide landscaping or other buffering between low-intensity residential uses and incompatible uses.
- (b) *Requirements.*

- (1) The required transitional bufferyard is determined using the Transitional Bufferyard Requirements Table (Table 8.6.6-2) and Transitional Bufferyard Types Table (Table 8.6.6-1).
  - (2) Where adjacent land is vacant, no transitional bufferyard is required.
  - (3) Transitional bufferyards are made up of the building setback and the landscape yard; building setbacks as required by Article 7 is not in addition to the bufferyard required by this Division.
  - (4) With the exception of parking lot perimeter landscape strips required along a street right-of-way, where a bufferyard and any other landscape strip are required in the same location, the requirement with the greater width applies.
  - (5) Bufferyard standards should not be construed as prohibiting additional plant materials, screening, or buffer area in excess of the required regulations.
  - (6) If all or part of the landscape bufferyard required by this Section has been provided on the adjacent property and is shown on a landscape plan approved in accordance with this Division, the proposed use must only provide that amount of the buffer that has not been provided on the adjacent property.
- (c) *Bufferyard types.* Table 8.6.6-1, below, provides minimum standards for each bufferyard type. The example diagrams are for illustrative purposes only.

**Table 8.6.6-1: Transitional Bufferyard Types**

| Type   | Width | Required Plantings per 100 Linear Feet |                        |               | Berm/Fence              | Bufferyard Example Diagram                                                           |
|--------|-------|----------------------------------------|------------------------|---------------|-------------------------|--------------------------------------------------------------------------------------|
|        |       | Shade Trees (min.)                     | Evergreen Trees (min.) | Shrubs (min.) |                         |                                                                                      |
| Type 1 | 7'    | N/A                                    | 6                      | 20            | 6' opaque fence or wall |   |
| Type 2 | 10'   | 5                                      | 8                      | 20            | N/A                     |   |
| Type 3 | 15'   | 5                                      | 8                      | 25            | 6' opaque fence or wall |   |
| Type 4 | 30'   | 10                                     | 15                     | 25            | 3' berm                 |  |



- (d) *Transitional bufferyard requirements table.* Required transitional bufferyards are shown in the Transitional Bufferyard Requirements table. Locate the use category of the proposed development and abutting property and read over to determine the required bufferyard type.

**Table 8.6.6-2: Transitional Bufferyard Requirements Table**

| Use Category                    | Abutting Use                         | Required Transitional Bufferyard |
|---------------------------------|--------------------------------------|----------------------------------|
| Self-Storage Facility           | Residential                          | Type 1 or Type 2                 |
| Gas Station                     |                                      |                                  |
| Alcoholic Beverage Production   | Residential                          | Type 3 or Type 4                 |
| Automotive Repair Establishment |                                      |                                  |
| General Warehousing             |                                      |                                  |
| Light Industrial                |                                      |                                  |
| Heavy Industrial                | All uses other than Heavy Industrial | Type 4                           |

#### **Sec. 25.8.6.7. Modifications.**

- (a) A modification of the requirements of this Division may be granted by the Board of Appeals or the Planning Commission if it is determined that such a modification effectuates the purpose of the Division and the Board of Appeals or the Planning Commission finds:
- (1) That alternative means of achieving the objectives of the buffering or screening requirements meet the objectives of this Division;
  - (2) That compliance with the buffering or screening requirements cannot reasonably be met due to unique site conditions;
  - (3) That there exist unique safety or security concerns that would be unreasonably compromised by compliance with the buffering or screening requirements;
  - (4) The lot occupied by the requesting use is less than 7,500 square feet in size; or
  - (5) The owners of 70 percent of the residential property immediately contiguous to the area of the requested modification affirm, in writing, their support for a modification of the buffering and/or screening requirements of this Section. The residential property referenced in this subsection must not include property in which the institutional use seeking the waiver has any ownership or other financial interest.
- (b) No modification provided pursuant to this Division will exempt the site from the requirements of the Forest and Tree Preservation Ordinance, as found in Chapter 10.5 of the City Code.

#### **Sec. 25.8.6.8. Maintenance.**

- (a) The owner, or owner's agent, is responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by the provisions of this Division.
- (b) All plant material must be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse, debris, and invasive plants.
- (c) Fences and walls must be maintained in good repair. Openings within the barriers may be required by the Chief of Zoning for accessibility to an area for necessary maintenance.
- (d) As part of maintenance, the species of landscaping materials may be changed, so long as the resulting materials will meet the design and intent of the Forest and Tree Preservation Ordinance. Where such changes are proposed, a revised landscaping plan must be approved by the Chief of Planning and maintained in the file with the original project approval.

### **Division 8.7. Lighting**

#### **Sec. 25.8.7.1. Lighting.**

- (a) Lighting must be provided in accordance with the Landscaping, Screening, and Lighting Manual approved by resolution of the Mayor and Council.

### **Division 8.8. Noise**

#### **Sec. 25.8.8.1. Noise.**

- (a) All development within the city is subject to the requirements of Montgomery County Code Chapter 31B, Noise Control.
- (b) *Noise mitigation plan.* A noise mitigation plan may be required at time of development application.
- (c) *Delivery and loading times.* Delivery and loading operations are prohibited between 10:00 p.m. and 7:00 a.m. on any property abutting a residential use or residentially zoned property. The Approving Authority of any development application may permit deliveries or loading at times outside of the hours provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise to a level of 55 dBA (A-weighted decibels) or less as measured at the lot line of any abutting property.
- (d) *Emergency generators.* Emergency generators must comply with all noise regulations applicable in the City. The periodic test operation of emergency generators must be conducted only on weekdays between the hours of 7:00 a.m. and 7:00 p.m.

## **Division 8.9. Environmental Guidelines**

### **Sec. 25.8.9.1. Environmental guidelines.**

- (a) All development is subject to the Environmental Guidelines adopted by resolution of the Mayor and Council.

## **Division 8.10. Utility Lines and Equipment**

### **Sec. 25.8.10.1. Underground installation of utility lines and cables.**

- (a) In all zones, electric, telecommunication, television (including cable), and other utility lines and cables must be installed underground wherever an extension or relocation of a contiguous segment of said lines or cables is required. All underground lines and cables must be placed in a public utility easement, or otherwise on private property. No utilities may be placed in the public right-of-way or on City property without the express written permission of the City, and subject to such terms and conditions that the City may require.

### **Sec. 25.8.10.2. Utility equipment.**

- (a) *Exceptions.* The provisions of this subsection do not apply to the following:
  - (1) Wireless communication facilities, related structures, and equipment, installed in accordance with the provisions of Sec. 25.6.4.11; and
  - (2) Emergency generators.
- (b) All electrical equipment (including transformers and equipment cabinets), telecommunications equipment, and television equipment (including cable television) must meet the following standards.
  - (1) *Residential and mixed-use zones.* In all residential and mixed-use zones, electrical, telecommunications, and television equipment must be placed underground or in an enclosed building.
  - (2) *Other zones.* In all other zones, electrical, telecommunications, and television equipment may be placed above ground and outside of an enclosed building only if the following requirements are satisfied:
    - A. Screening is required on four sides of the equipment at a minimum of 80 percent opacity. The screen may consist of either vegetative or building materials, as follows:
      - 1. Where vegetative screening is used, the screen must use plant material that will result in 80 percent opacity within one growing season.
      - 2. Screening made of building materials must be designed in a manner that is complementary to the building architecture including material and scale.
      - 3. The side for access may be a gate.

- B. Where practical, all above ground electrical, telecommunications, and television equipment not incorporated into a building must be clustered with other utility equipment and dumpsters, trash enclosures, and generators, and must be located in an inconspicuous manner so as to blend in with the landscaping and topography of the site.
- (3) The side of the screening enclosure that provides access to the equipment must be oriented and either gated or screened in a manner that provides access while minimizing the visual impacts of the equipment.
- (4) The location and screening of all above ground electrical, telecommunications, and television equipment must be approved by the Approving Authority as part of the applicable site plan review.

#### **Sec. 25.8.10.3. Modification of requirements.**

- (a) *Feasibility modifications.* The Planning Commission may grant a modification of any requirement of this Division upon finding that installing utility equipment underground or within an enclosed building is not feasible for any of the following reasons:
  - (1) A unique or peculiar site condition provides a physical impediment to installing equipment underground;
  - (2) It would be unsafe to locate the equipment underground; or
  - (3) The equipment cannot successfully operate below ground.
- (b) *Reinstallation modifications.* The Planning Commission may allow equipment that has been placed underground to be reinstalled above ground if the owner of such equipment can demonstrate and fully document each of the following:
  - (1) Underground placement of such equipment has resulted in service degradation either:
    - A. In violation of state or federal laws or regulations; or
    - B. Contrary to the terms of any governing contractual agreements; and
    - C. Reasonable improvements in maintenance, equipment, or some combination thereof cannot restore or improve the quality of service.
- (c) *Standards for above ground utility equipment.* All utility equipment permitted to be installed above ground by means of modification must meet the location and screening requirements of Sec. 25.8.10.2(b)(2).

### **Division 8.11. Adequate Public Facilities**

#### **Sec. 25.8.11.1. General provisions.**

- (a) *Adequate Public Facilities Ordinance.* The provisions of this Division will be known as the Adequate Public Facilities Ordinance or the “APFO.”

- (b) *Adequate Public Facilities Standards.* The Mayor and Council have adopted the Adequate Public Facilities Standards or “APFS” by resolution, establishing the method used by the City to ensure that the necessary public facilities will be available to serve proposed new development or redevelopment. The Mayor and Council will periodically review the APFS and modify them as deemed necessary.

**Sec. 25.8.11.2. Demonstration of adequate public facilities.**

- (a) Where this Chapter requires an APF determination, the applicant must demonstrate that the development is served by adequate public facilities pursuant to this Division and the City’s Adequate Public Facilities Standards.
- (b) An application for any development approval or any amendment thereto, that is subject to the provisions of this Division, must not be approved unless the Approving Authority determines that public facilities will be adequate to support and service the area of the proposed development.
- (c) The applicant for any development approval, or any amendment thereto, that is subject to the provisions of this Division must, at the request of the Approving Authority, submit sufficient information and data on the proposed development to demonstrate the expected impact on and use of public facilities and services by possible uses of said development.
- (d) If the public facilities assessment outlined in the APFS shows that a proposed development will have an adverse impact on public facilities and services, the applicant must provide mitigation measures designed to alleviate such impact. The resulting development’s impact on public facilities must not exceed any level of service established by the APFS.
- (e) *Conditional approval.* The applicant may request conditional approval of the development application, subject to the future availability of the necessary public facilities. The Approving Authority may grant a conditional approval for a period of two years. Such conditional approval will place the application in a queue maintained by the Chief of Zoning. The order of the queue will be based on the date of the letter stating the action taken by the Approving Authority. If, at the end of the conditional approval period the necessary public facilities are not deemed available, the approval becomes void.

**Sec. 25.8.11.3. Modifications.**

- (a) A modification of the requirements of the APFS may be granted only upon a supermajority vote of the Approving Authority.
  - (1) For purposes of this Division, a supermajority vote must be three votes for the Board of Appeals, five votes for the Planning Commission, and five votes for the Mayor and Council.
  - (2) The Chief of Planning may not grant a modification.
- (b) Modifications are granted pursuant to the criteria and findings contained in the APFS.

#### **Sec. 25.8.11.4. Expiration of adequate public facilities determination.**

- (a) *Validity period.* Except as otherwise provided in this Section, a determination of adequate public facilities made in connection with the approval of any development approval or amendment thereto under this Chapter remains valid for so long as the underlying approval remains valid. If a development approval or amendment thereto approved under this Chapter expires, the determination of adequate public facilities also expires with respect to the portion of the approval that has expired.
- (b) *Planned developments.* Any Planned Development is deemed to satisfy the APFS for the following validity periods:
  - (1) The number of years specified in the original approval, if explicitly stated; or
  - (2) If the original approval does not specify the number of years that public facilities are deemed adequate, the validity period ends on November 1, 2030 (twenty-five years from November 1, 2005, the original adoption date of the APFO and APFS).
  - (3) The adequate public facilities determination of a Planned Development amendment is valid for so long as the amendment is valid.
- (c) *Water and sewer.* Notwithstanding this Section, the adequate public facilities determination for water and sewer service is confirmed before issuance of a building permit.

## **Article 9. Nonconformities**

### **Division 9.1. Nonconforming Uses**

#### **Sec. 25.9.1.1. Nonconforming uses, in general.**

- (a) *Applicability.* This Division applies to any use that was lawful when established but no longer conforms to the requirements of the zone in which it is located.
- (b) *Continuing a nonconforming use.* A nonconforming use may be continued but not expanded, except as provided in Sec. 25.9.1.2. Continuing a nonconforming use includes the operation of a nonconforming use throughout those parts of a structure which were specifically designed or constructed for such use before **effective date of this Chapter]** and which parts were either completed or substantially completed before such date.

#### **Sec. 25.9.1.2. Expansion of nonconforming uses.**

- (a) *Limitations on expansion of nonconforming uses.* A nonconforming use may be expanded by no more than 20 percent of the total square footage of the use at the time it was rendered nonconforming.
- (b) *Nonconforming alteration approval.* Any expansion of a nonconforming use under this Section must comply with the requirements of Sec. 25.9.1.3.

#### **Sec. 25.9.1.3. Nonconforming use expansion approval.**

- (a) *Approving authority.* The Planning Commission is the approving authority for all nonconforming use expansions.
- (b) *Application.* Applications for nonconforming use expansions must be submitted to the Chief of Zoning and must contain all information and materials required by the Development Review Manual.
- (c) *Procedure.*
  - (1) *Planning Commission review.* An application for a nonconforming use expansion must be submitted and processed as a Level 2 Site Plan under Sec. 25.4.1.5, except that the application is subject to the findings in Sec. 25.9.1.3(d).
- (d) *Findings.* The Planning Commission may only approve a nonconforming use expansion upon finding that:
  - (1) There exists documentation of the existence and extent of the nonconforming zoning status of the use;
  - (2) The proposed nonconforming use expansion is compatible with the general character of the surrounding neighborhood or zone;
  - (3) The proposed nonconforming use expansion will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties;

- (4) The proposed nonconforming use expansion will be consistent with the purpose and intent of the zone in which the property is located and of the Plan; and
- (5) For nonconforming use expansion approvals that trigger conformance with current parking requirements pursuant to Article 8, Division 8.2, the Planning Commission may modify the current parking requirement and allow the maintenance of the existing nonconforming parking status through the grant of the nonconforming use expansion approval, if the Planning Commission finds that:
  - A. It is not practicable to provide the required parking onsite in a manner that preserves neighborhood character; and
  - B. Preserving the nonconforming parking status is the best solution to provide consistency with the goals, policies, and intent of the Plan.
- (e) *Approval conditions.* The Planning Commission may condition its approval of a nonconforming use expansion on any condition the Planning Commission finds necessary to make the findings in Sec. 25.9.1.3(d).

#### **Sec. 25.9.1.4. Site improvements allowed.**

- (a) The following site improvements are not considered to be nonconforming use expansions:
  - (1) Alterations that have the effect of bringing the use into greater conformity with this Chapter;
  - (2) Alterations necessary for general maintenance, safety, or compliance with the Maryland Accessibility Code or the American with Disabilities Act; or
  - (3) Alterations consisting only of improvements to the façade of the structure, stormwater management facilities, or pedestrian and bicycle facilities.
- (b) *Replacement in kind.* A structure housing a nonconforming use that is destroyed in whole or in part by flood, fire, explosion, or other accidental damage may be repaired or replaced in kind.
- (c) *Approvals required.* Before altering, repairing, or replacing any structure housing a nonconforming use pursuant to this Section, a person must receive approval of any permits or development approvals required by the City Code.

#### **Sec. 25.9.1.5. Termination of nonconforming uses.**

- (a) The right to continue a nonconforming use terminates if:
  - (1) The nonconforming use is replaced by a permitted, conditional, or Special Exception use; or
  - (2) The use ceases for at least three calendar months. A nonconforming use is not considered to have ceased if:

- A. Approval and execution of alterations or renovations are pursued to continue the use, subject to a validly issued building permit, occupancy permit, or nonconforming use expansion approval; or
  - B. The site is being actively marketed for tenants to continue the use. A sign on the site advertising its availability is not, by itself, evidence of active marketing.
- (3) Notwithstanding the foregoing, if the site remains vacant for a period of 12 months, the nonconforming use is terminated. The property owner may request a six-month extension of the termination date from the Planning Commission for good cause shown. Such request must be submitted before the termination date. No more than two such extensions may be granted.

## **Division 9.2. Development Standards Nonconformities**

### **Sec. 25.9.2.1. Development standards nonconformities, generally.**

- (a) *Applicability.* This Division applies to a structure or site that was lawful when established but no longer conforms to the development standards of the Chapter.
- (b) *Continuing a development standards nonconformity.* A development standards nonconformity may continue, but a person may not alter or enlarge any structure or site in a manner that expands a development standards nonconformity, except as provided in Sec. 25.9.2.2.

### **Sec. 25.9.2.2. Alteration or expansion of development standards nonconformity.**

- (a) *Alteration or expansion of development standards nonconformity.* A person may only alter or expand a site or structure constituting a development standards nonconformity if:
  - (1) The alteration or expansion does not increase the development standards nonconformity;
  - (2) The alteration or expansion is necessary for general maintenance, safety, or compliance with the Maryland Accessibility Code or the American with Disabilities Act;
  - (3) The alteration or expansion consists only of improvements to the façade of the structure, stormwater management facilities, or pedestrian and bicycle facilities; or
  - (4) The alteration or expansion consists of the conversion of a carport to a garage.
- (b) *Replacement in kind.* A site or structure constituting a development standards nonconformity that is destroyed in whole or in part by flood, fire, explosion, or other accidental damage may be repaired or replaced in kind.
- (c) *Historic District Overlay zone.* Within a designated historic district zone, any contributing building, structure, or site may be repaired or replaced in kind in its original location, subject to approval of the Historic District Commission, notwithstanding its failure to comply with any development standard contained in this Chapter. Any renovations or

additions beyond the scope of the original structure as defined by the period of significance is subject to the provisions of this Chapter.

- (d) *Approvals required.* Before altering, repairing, or replacing any site or structure housing a development standards nonconformity pursuant to this Section, a person must receive approval of any permits or development approvals required by the City Code.

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## Article 10. Signs

### Division 10.1. General Standards

#### Sec. 25.10.1.1. Purpose.

- (a) The purpose of this Article is to:
  - (1) Enable the public to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion;
  - (2) Reduce traffic and pedestrian hazards and prevent interference with the effectiveness of traffic regulation;
  - (3) Promote the compatibility of signs with the surrounding land uses;
  - (4) Promote and preserve the economic well-being and vitality of the community;
  - (5) Enhance and improve the environment and aesthetics of the City by preventing visual clutter; and
  - (6) Provide effective opportunities for expression and communication while protecting the public against the adverse effects of the unrestricted proliferation of signs.

#### Sec. 25.10.1.2. Applicability.

- (a) No sign may be erected, installed, substantially altered, or illuminated unless in compliance with the requirements of this Article, except that:
  - (1) Signs erected or installed within the public right-of-way, or that project into the public right-of-way, must comply with the requirements of Chapter 21 of City Code and are not subject to this Article.
- (b) *Signs in Planned Development zones.*
  - (1) Except as otherwise provided in this Article or in Sec. 25.7.4.3(e), signs in any of the Planned Development zones set forth in Sec. 25.7.4.3 will be regulated based on the applicable designated equivalent zones described in each Planned Development.
- (c) *Prohibited signs.* The following signs are prohibited in the City:
  - (1) Signs that impede the operation of any window, door, fire escape, stairway, ladder, or opening required to provide light, air, ingress, or egress for any building or structure;
  - (2) Signs which, by reason of position, size, shape, or color, may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device, or which make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;
  - (3) Off-premises signs, except as set forth in Sec. 25.7.4.3(e);
  - (4) Any sign placed or erected on property without the permission of the property owner;
  - (5) Signs which move or have any moving part, or which give the illusion of motion;

- (6) Signs which use blinking, flashing, or fluttering illumination or illumination which varies in color or intensity, or which create the appearance or illusion of writing or printing, including, but not limited to, strobe, rotating beacon, chasing, or zip lights;
  - (7) Signs erected by any person on any public property or right-of-way, unless specifically authorized or required by this Code, or as follows:
    - A. Any sign required by a valid and applicable federal, state, or local law, ordinance, or regulation;
    - B. Signs and other visual displays erected by, or at the direction of, federal, state, or local governmental or quasi-governmental agencies;
    - C. Signs conforming to or required by the Manual of Uniform Traffic Control Devices, as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart.
  - (8) Signs erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located;
  - (9) Portable signs, except A-frame signs and signs displayed by hand;
  - (10) Signs displayed on billboard vehicles;
  - (11) Signs with changeable copy, except as provided in this Article;
  - (12) Electronic message centers that can be read from the public right-of-way;
  - (13) Signs extending above the roof of any building in excess of one percent of the building height;
  - (14) Feather flags, freestanding banner signs, continuous strands of pennants or streamers, inflatable signs, and similar devices visible from a public right-of-way, except as expressly permitted by this Article;
  - (15) Signs projecting more than 42 inches from a building wall;
  - (16) Temporary signs, except as provided in this Article;
  - (17) Any sign with words, scenes, or graphics of an obscene, indecent, or prurient character which offend public morals or decency;
  - (18) Signs greater than eight square feet affixed to or depicted on a vehicle, when the vehicle is parked such that the sign is visible from a right-of-way within 50 feet of the vehicle, except when there is no reasonable alternative location on the site to park the vehicle; and
  - (19) Any sign not expressly allowed or permitted by this Article.
- (d) *Exempt signs.* This Article does not apply to the following signs, and no permit under Chapter 25 is required for such signs:

- (1) Any sign or portion thereof required to be posted or displayed by this Chapter or other applicable federal, state, or local law or regulation;
- (2) Signs and other visual displays erected by, or at the direction of, federal, State, or local governmental or quasi-governmental agencies;
- (3) Any sign not readable from any right-of-way or abutting property, except as set forth in Sec. 25.10.1.4.2(c)(12) and (14) above;
- (4) Any unilluminated sign smaller than two square feet in area;
- (5) Signs conforming to or required by the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart F; and
- (6) Numerals not exceeding 18 inches in height identifying an address on a lot.
- (7) Up to three temporary freestanding signs of six square feet or less per sign on lots with single-unit detached dwellings, townhouses, or multiplexes.
- (8) Directional signs that do not exceed a sign area of three square feet per sign and six feet in height, except that signs for certain Planned Development zones are regulated by Sec. 25.7.4.3(e).

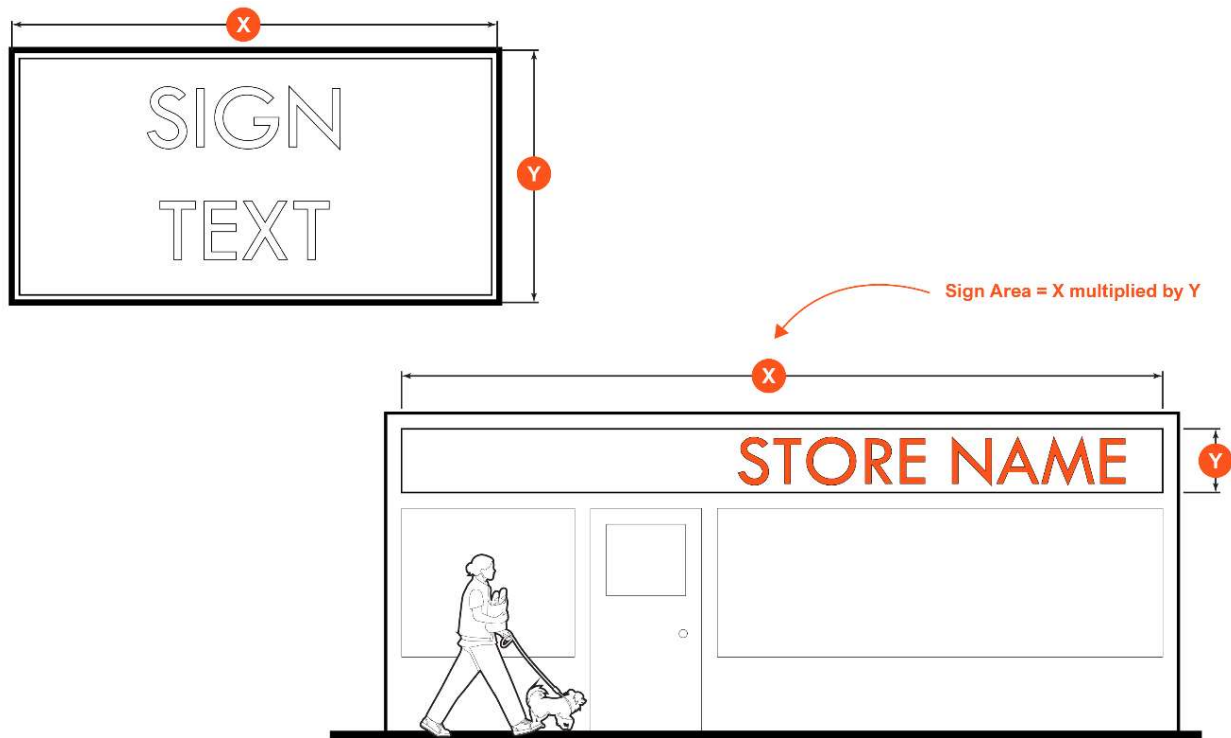
## **Division 10.2. Sign Measurement**

### **Sec. 25.10.2.1. Sign measurement.**

(a) *Sign area.* Sign area is measured as follows:

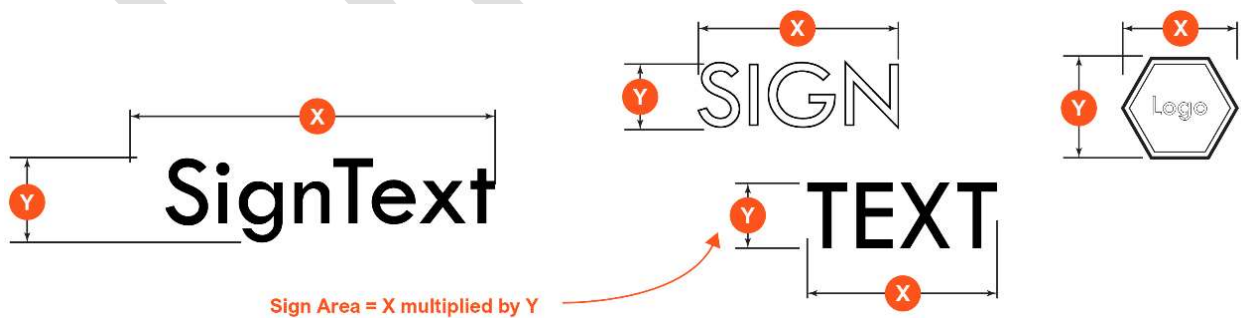
- (1) *Signs with backgrounds.* For sign copy mounted or painted on a background panel or area distinctively painted, textured, lighted, or constructed as background for the sign copy, sign area is measured as that area contained within the outside dimensions of the background panel or surface.

**Figure 10.2.1-1: Sign Area: Signs With Backgrounds**



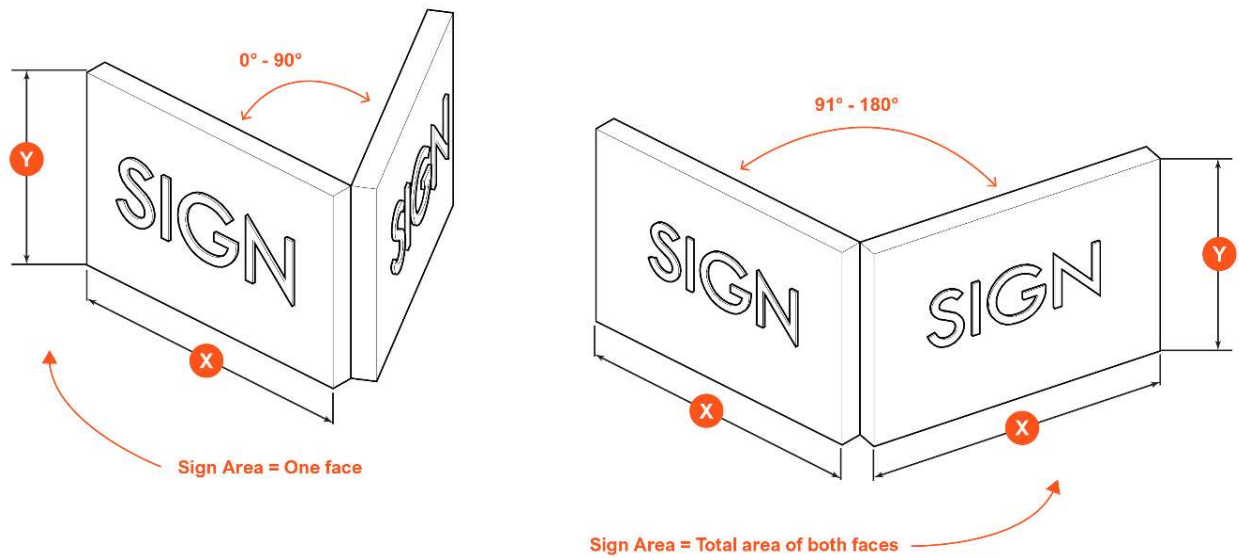
- (2) *Signs with no backgrounds.* For sign copy mounted as individual letters and graphics on an area of a building that has not been painted, textured, lighted, or otherwise altered to provide a distinctive background for the sign copy, sign area is measured as the area or the sum of the areas enclosed by the smallest rectangle that will enclose each word and graphic.

**Figure 10.2.1-2: Sign Area: Signs With No Backgrounds**



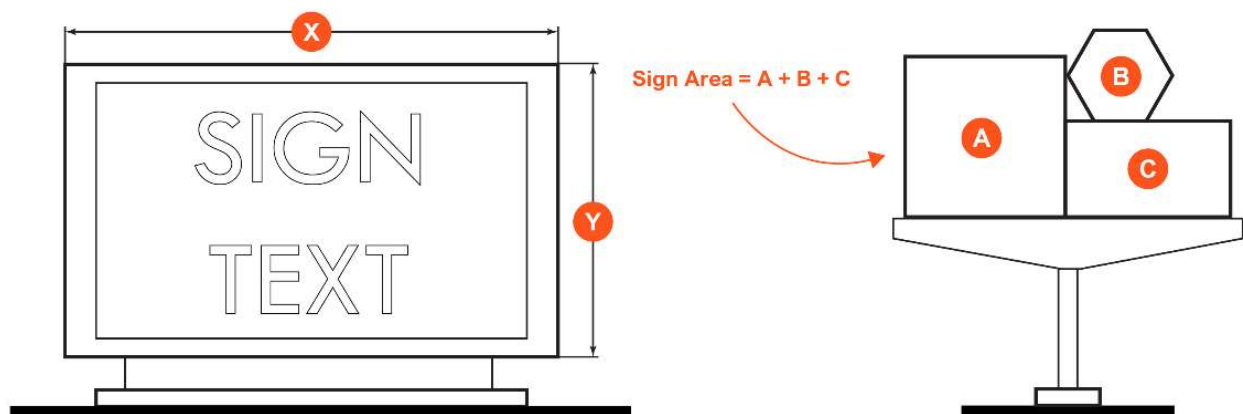
- (3) *Signs with two sign faces.* Freestanding signs and projecting signs are allowed to have a maximum of two sign faces. If the interior angle between the two sign faces is 90 degrees or less, sign area is measured as the area of only one face. If the angle between the two faces is greater than 90 degrees, sign area is measured as the sum of the areas of the two faces.

**Figure 10.2.1-3: Sign Area: Signs With Two Sign Faces**



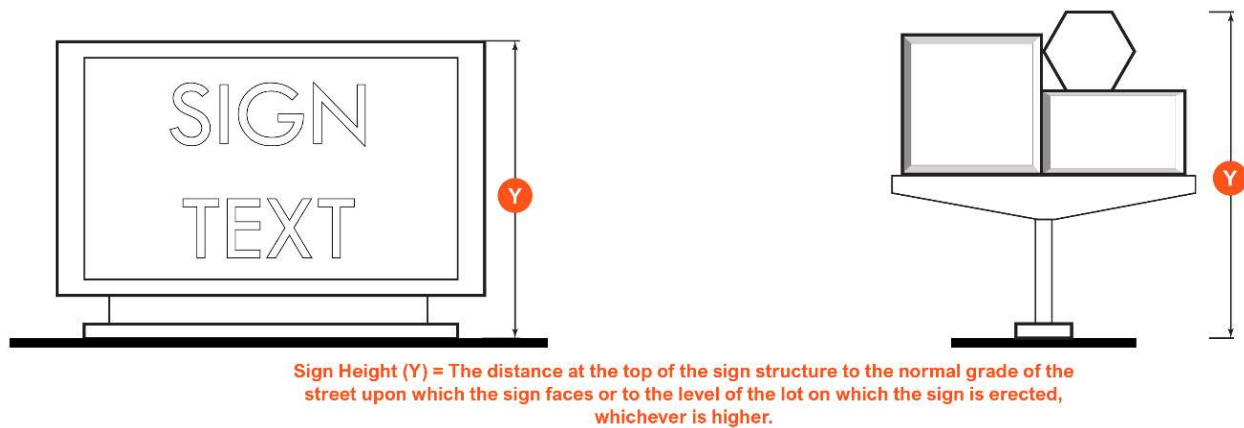
- (4) *Freestanding signs.* For freestanding signs, the sign area is measured as the area encompassing all components of the sign, excluding the supporting structure that does not form part of the sign proper.

**Figure 10.2.1-4: Sign Area: Freestanding Signs**



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

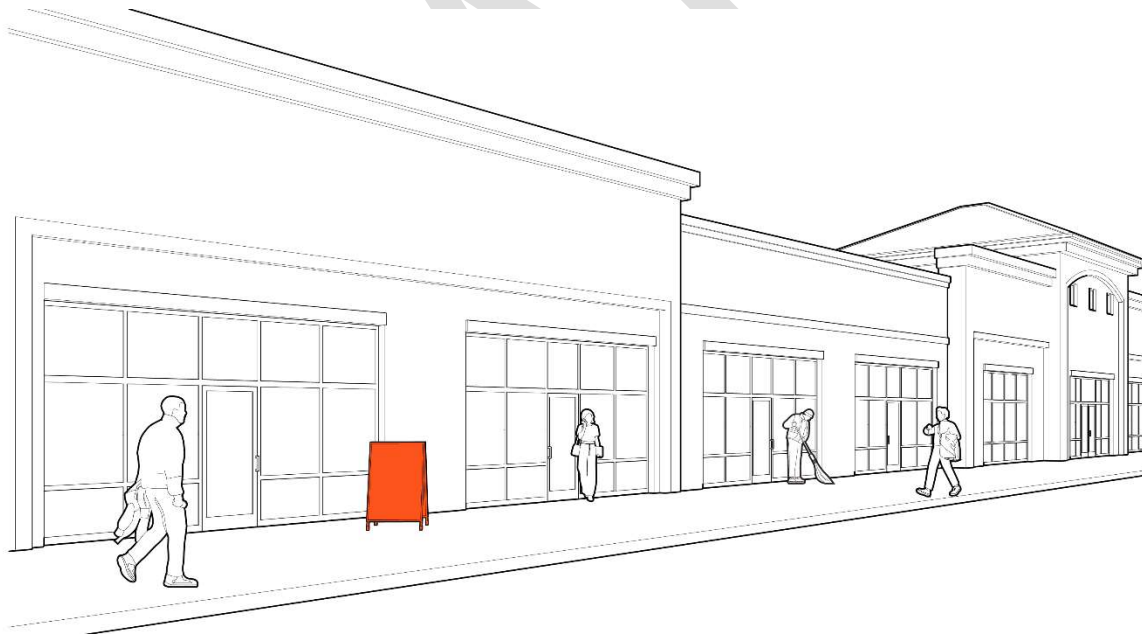
**Figure 10.2.1-5: Sign Height**



## **Division 10.3. Permitted Signs**

### **Sec. 25.10.3.1. A-Frame sign.**

**Figure 10.3.1-1: A-Frame Sign**



- (a) *Definition.* A portable sign used on a sidewalk or similar location, consisting of one or two sign faces attached at the top with hinges or a similar device allowing for easy transport. Also referred to as sidewalk signs or sandwich boards.
- (b) *A-frame sign standards.* A-frame signs are subject to the following requirements:
  - (1) A maximum of one A-frame sign is allowed per establishment.
  - (2) A-frame signs are limited to six square feet per sign face.

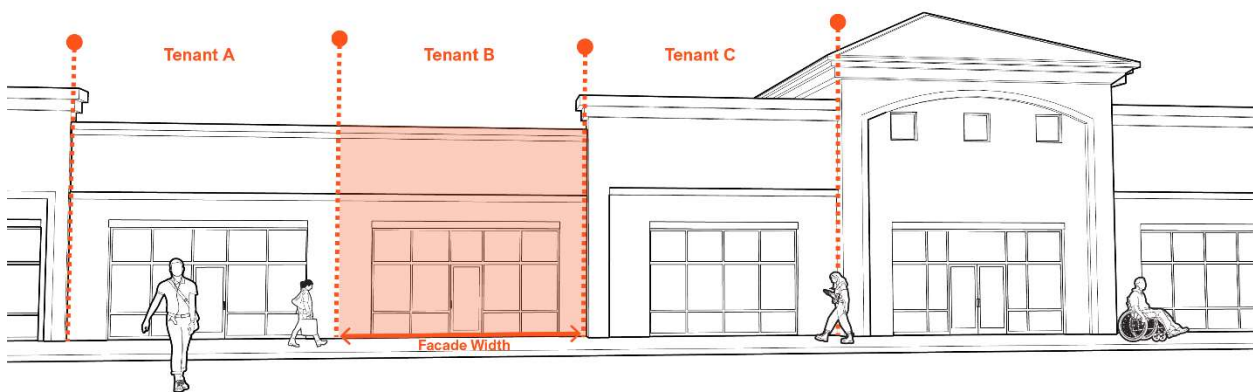
**Figure 10.3.2-1: Building Sign**



- A sign permanently  
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or images shown o

- C. A maximum of one building sign is allowed per street frontage, except that a building sign cannot be located on the same frontage as a freestanding sign.
  - D. Building signs must not exceed a sign area of 24 square feet per sign.
  - E. Building signs may be externally illuminated. Internally illuminated building signs are prohibited.
  - F. Blade signs are not permitted.
- (2) *RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXE, and MXB zones.* Building signs located in the RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXE, and MXB zones must meet the following standards:
- A. For single-tenant buildings and buildings where tenant spaces do not have exterior main entrances, the total area of all building signs must not exceed:
    - 1. Two square feet of sign area per linear foot of building facade for the first 50 linear feet; plus
    - 2. One square foot of sign area per linear foot of building facade thereafter.
  - B. For multi-tenant buildings where tenant spaces have exterior main entrances, the total area of all building signs must not exceed:
    - 1. Two square feet of sign area per linear foot of building facade for the first 50 linear feet; plus
    - 2. One square foot of sign area per linear foot of building facade thereafter.
- For each individual tenant, the linear footage of building facade is the sum of the lengths of the building facades associated with the tenant's leased space.

**Figure 10.3.2-2: Building Sign - Multi-Tenant Buildings**

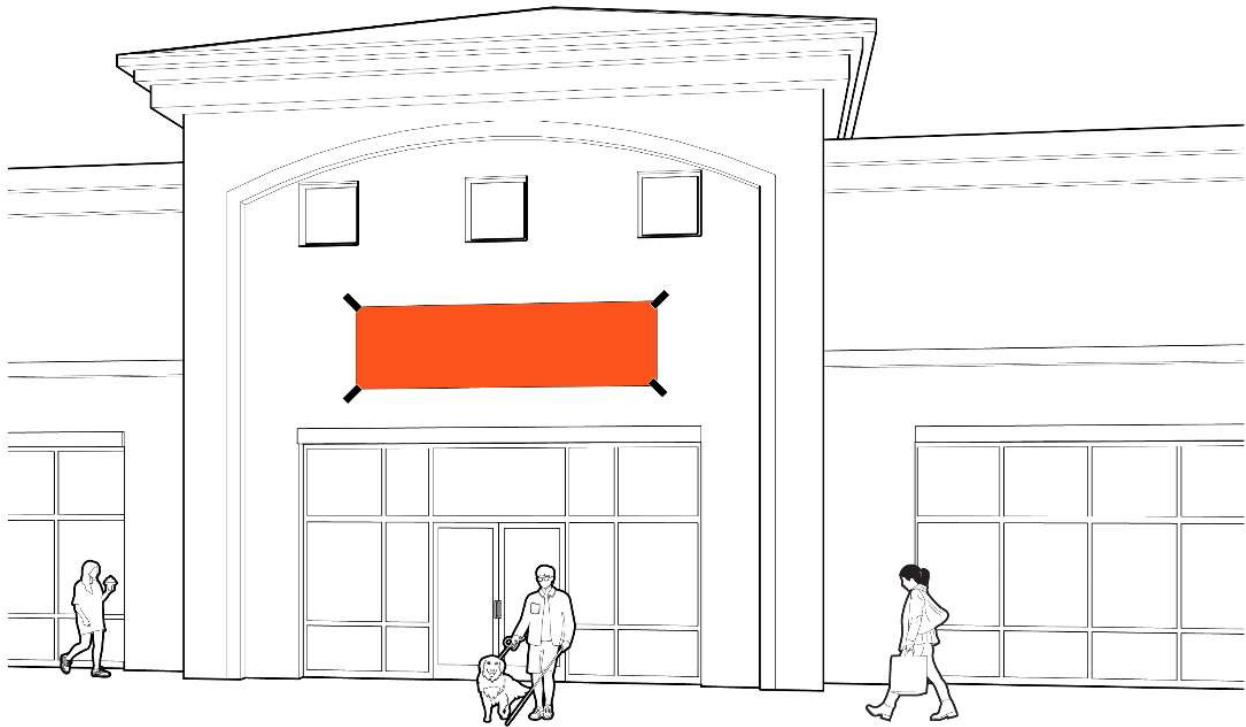


- C. Building signs may be externally or internally illuminated.
- D. Blade signs may project up to 72 inches from the building facade. The bottom edge of a blade sign must be at least eight feet above grade.

- (3) *MXT and MXC zones.* Building signs located in the MXT and MXC zones must meet the following standards:
- A. The total area of all building signs on a building must not exceed 24 square feet.
  - B. Building signs may be externally illuminated. Internally illuminated building signs are prohibited.
  - C. Blade signs may project up to 72 inches from the building façade. The bottom edge of a blade sign must be at least eight feet above grade.
  - D. Signs are not permitted above the first-story level of any building.

**Sec. 25.10.3.3. Building-mounted banner sign (temporary).**

***Figure 10.3.3-1: Building-Mounted Banner Sign (Temporary)***



(a) *Definition.* A banner sign that is mounted directly to the facade of a building or structure.

(b) *Temporary building-mounted banner sign standards.*

- (1) *General standards.* The following standards apply to temporary building-mounted banner signs in all zones where they are permitted:
  - A. *Duration.* A temporary building-mounted banner sign may be erected for up to one year.
- (2) *Residential zones.* Building signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:

- A. Temporary building-mounted banner signs are allowed only on lots smaller than 20,000 square feet with permitted nonresidential uses, except that:
  - 1. Building signs are not permitted on lots with Child Care Homes or Child Care Centers.
  - 2. A maximum of one temporary building-mounted banner sign is allowed per street frontage.
  - 3. Temporary building-mounted banner signs must not exceed a sign area of 24 square feet per sign.
- (3) *RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones.*

Temporary building-mounted banner signs located in the RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXE, and MXB zones must meet the following standards:

  - A. A maximum of one temporary building-mounted banner sign is allowed per street frontage, except that:
    - 1. For multi-tenant buildings where tenant spaces have exterior main entrances, one temporary building-mounted banner sign is allowed per non-residential tenant space; and
    - 2. One additional temporary building-mounted banner sign may be provided for each nonresidential tenant space with more than one frontage.
  - B. Temporary building-mounted banner signs must not exceed a sign area of 48 square feet per sign.
  - C. Temporary building-mounted banner signs may not be illuminated.

#### Sec. 25.10.3.4. Freestanding sign.

Figure 10.3.4-1: Freestanding Sign



- (a) *Definition.* A sign, not including a flag, supported from the ground and not attached to any building.
- (b) *Freestanding sign standards.*
  - (1) *General standards.* The following standards apply to freestanding signs in all zones where they are permitted:
  - (2) *Sight distance approval.* The final location of a freestanding sign must be approved by the Director of the Department of Public Works or designee to ensure that the sign does not obstruct the sight distance triangle.
  - (3) *Changeable copy.* Freestanding signs may have changeable copy.
  - (4) *Illumination.* A freestanding sign may be externally illuminated. Internally illuminated freestanding signs are prohibited.
  - (5) *Residential zones.* Freestanding signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:
    - A. *Residential developments.* One freestanding sign is allowed in a residential development containing ten or more dwelling units. Such a sign must be located at or near the entrance to the subdivision; where the dwelling units are separately

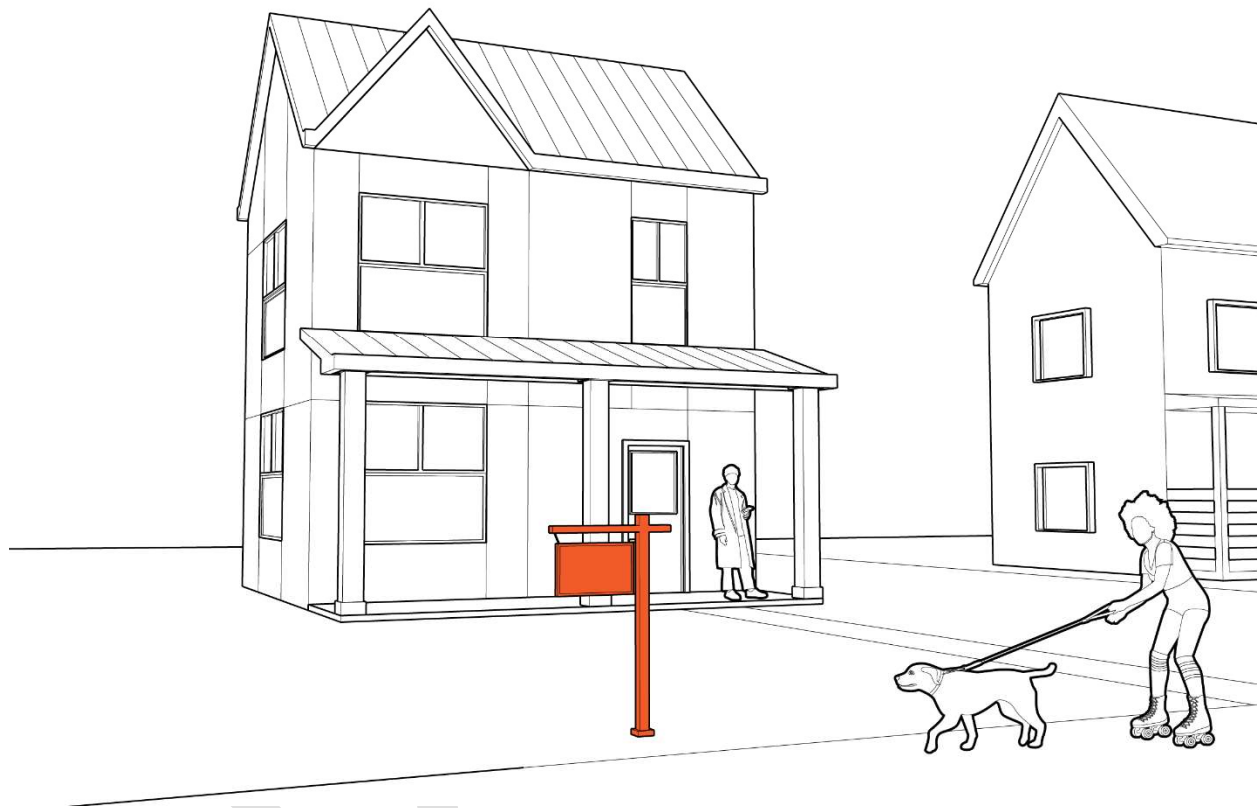
owned, the sign must be within an easement or on land owned or maintained by a homeowner's association, civic association, or similar entity.

- B. *Nonresidential uses.* For any nonresidential use except for Child Care Homes and Child Care Centers located on lots under 20,000 square feet, one freestanding sign is allowed per street frontage. A freestanding sign cannot be located on the same frontage as a building sign. A freestanding sign must be located at least 10 feet from any lot line and within a landscaped area that is at least two square feet in size for each square foot of sign area.
  - C. A freestanding sign may not exceed a sign area of 24 square feet and a height of five feet and must be set back at least 10 feet from the public right-of-way.
- (6) *RHD zone, all MXTD zones, the MXCD, MXCT, MXNC, MXE, and MXB zones.* Freestanding signs located in the RHD zone, all MXTD zones, the MXCD, MXCT, MXB, MXNC, MXE, and MXB zones must meet the following standards:
- A. On a lot that is five acres or less, one freestanding sign is allowed.
  - B. On a lot larger than five acres, one freestanding sign per street frontage is allowed. Signs must be located at least 100 feet apart.
  - C. Freestanding signs must not exceed a sign area of 100 square feet per sign.
  - D. Freestanding signs must not exceed 10 feet in height, or the height of the associated building on the lot, whichever is less.
  - E. Freestanding signs must be located within a landscaped area that is at least two square feet in size for each square foot of sign area.
  - F. Freestanding signs must be set back from the public right-of-way at least 10 feet or the height of the sign, whichever is greater.
- (7) *Industrial zones.* Freestanding signs located in the I-L and I-H zones must meet the following standards:
- A. One freestanding sign is allowed per lot.
  - B. Freestanding signs must not exceed a sign area of 100 square feet per sign.
  - C. Freestanding signs must not exceed 20 feet in height, or the height of the associated building on the lot, whichever is less.
  - D. Freestanding signs must be located within a landscaped area that is at least two square feet in size for each square foot of sign area.
  - E. Freestanding signs must be set back from the public right-of-way at least 10 feet or the height of the sign, whichever is greater.
- (8) *MXT and MXC zones.* Freestanding signs located in the MXT and MXC zones must meet the following standards:

- A. A maximum of one freestanding sign of up to eight square feet in area and five feet in height is allowed per lot.
- B. A freestanding sign must be set back at least 10 feet from the public right-of-way.

**Sec. 25.10.3.5. Freestanding sign (temporary).**

*Figure 10.3.5-1: Freestanding Sign (Temporary)*



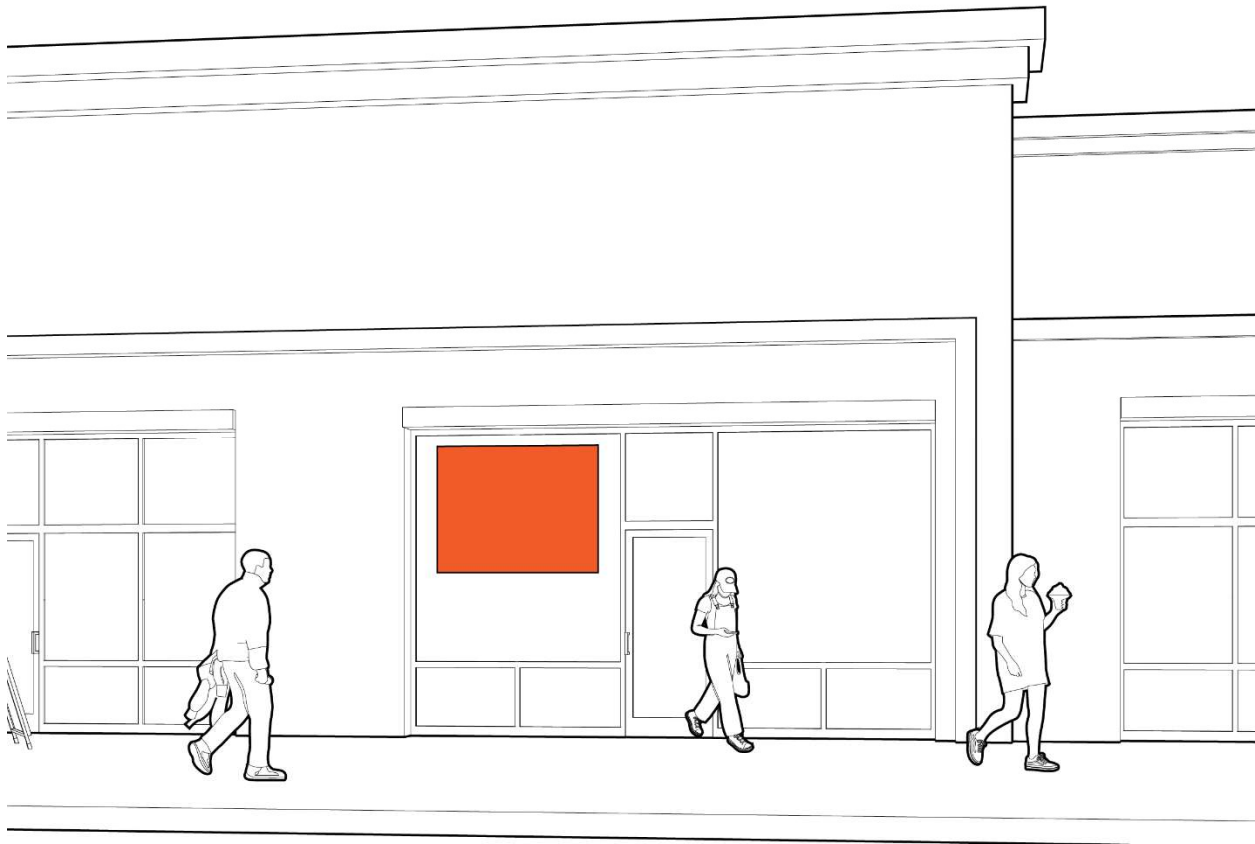
- (a) *Definition.* A non-permanent freestanding sign not intended to be displayed for an indefinite period.
- (b) *Temporary freestanding sign standards.*
  - (1) *General standards.* The following standards apply to temporary freestanding signs in all zones where they are permitted:
    - A. *Duration.* A temporary freestanding sign may be erected for up to two years.
  - (2) *Residential zones.* Temporary freestanding signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:

- A. *Individual residential lots.* On an individual residential lot, the following standards apply:
    - 1. Three temporary freestanding signs per street frontage are allowed.
    - 2. Temporary freestanding signs must not exceed a sign area of six square feet per sign.
    - 3. Temporary freestanding signs must not exceed five feet in height, except that:
      - i. Any sign installed within 10 feet of a lot line must not exceed 42 inches in height.
  - B. *Commonly owned parcels.* On a parcel owned by a homeowner's association, civic association, or similar entity within a residential subdivision containing 10 or more lots, the following standards apply:
    - 1. One temporary freestanding sign is allowed per parcel.
    - 2. Temporary freestanding signs must not exceed a sign area of 48 square feet per sign.
    - 3. Temporary freestanding signs must not exceed 12 feet in height.
  - C. *Multiplexes and small apartments.* On a lot containing a multiplex or apartment development with up to 10 dwelling units, the following standards apply:
    - 1. One temporary freestanding sign is allowed per street frontage.
    - 2. Temporary freestanding signs must not exceed a sign area of 12 square feet per sign.
    - 3. Temporary freestanding signs must not exceed 8 feet in height.
  - D. *Apartments.* On a lot containing an apartment development with more than 10 dwelling units, the following standards apply:
    - 1. One temporary freestanding sign is allowed per street frontage.
    - 2. Temporary freestanding signs must not exceed a sign area of 48 square feet per sign.
    - 3. Temporary freestanding signs must not exceed 12 feet in height.
- (3) *RHD zone, all MXTD zones, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones.* Temporary freestanding signs in all MXTD zones, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones must meet the following standards:
- A. Temporary freestanding signs for residential uses must meet the standards for temporary freestanding signs in residential zones, as described in Sec. 25.10.3.5(b)(2).
  - B. Temporary freestanding signs for nonresidential uses must meet the following standards:

1. One temporary freestanding sign is allowed per street frontage.
  2. Temporary freestanding signs must not exceed 48 square feet in area per sign, except that:
    - i. During construction. On a lot with ongoing construction, as determined by active building permits, temporary freestanding signs may have a sign area of up to 200 square feet per sign.
  3. Temporary freestanding signs must not exceed 12 feet in height.
- (4) *Industrial zones.* Temporary freestanding signs in the I-L and I-H zones must meet the following standards:
- A. Temporary freestanding signs for nonresidential uses must meet the following standards:
    1. One temporary freestanding sign is allowed per street frontage.
    2. Temporary freestanding signs must not exceed 48 square feet in area per sign, except that:
      - i. *During construction.* On a lot with ongoing construction, as determined by active building permits, temporary freestanding signs may have a sign area of up to 200 square feet per sign.
    3. Temporary freestanding signs must not exceed 12 feet in height.

### Sec. 25.10.3.6. Window sign.

Figure 10.3.6-1: Window Sign



- (a) *Definition.* A sign that is attached to the glass area of a window or placed behind the glass of a window in a manner intended to allow for the sign to be read from outside the building.
- (1) *Permanent window sign.* A window sign that is intended to be displayed for an indefinite period of time. This definition includes vinyl window clings and neon signs affixed to or adjacent to a window and visible from the exterior of the building.
  - (2) *Temporary window sign.* A window sign that is intended to be displayed for a limited period of time.
- (b) *Window sign standards.*
- (1) *Permanent window sign.* Permanent window signs are subject to the following standards:
    - A. Permanent window signs are not permitted on single-unit detached dwellings, townhouses, or multiplexes.

- B. Permanent window signs must not cover more than 25 percent of the total window surface.
  - C. Permanent window signs must not be placed within four inches of a window frame.
  - D. Permanent window signs that are attached to a window must only be attached to the interior side of the window and must not be attached to the exterior side of the window.
  - E. Permanent window signs may be placed only in windows that are part of a façade that is allowed to have signage.
  - F. Permanent window signs may be illuminated.
- (2) *Temporary window sign.* Window temporary signs are subject to the following standards:
- A. Temporary window signs may be erected for up to one year.
  - B. Temporary window signs are not permitted on single-unit detached dwellings, townhouses, or multiplexes.
  - C. Temporary window signs must not cover more than 25 percent of the total window surface, except as follows:
    - 1. Temporary window signs on vacant non-residential tenant spaces may occupy up to 95 percent of the total window surface for no longer than nine months in any calendar year.
  - D. Temporary window signs must not be placed within four inches of a window frame.
  - E. Temporary window signs may be attached to the interior or exterior sides of the window but must be removed when no longer in use.
  - F. Temporary window signs may be placed only in windows that are part of a façade that is allowed to have signage.
  - G. Temporary window signs must not be displayed for more than three months in any calendar year, unless otherwise provided for in this Article.

## **Division 10.4. Sign Design, Construction, and Illumination**

### **Sec. 25.10.4.1. Sign design, construction, and illumination.**

- (a) *Building sign and freestanding sign design, construction, and illumination.* The following standards apply to building signs and freestanding signs.
- (1) *Design.* Building signs and freestanding signs must be designed and constructed to withstand wind pressure as provided for in Chapter 5 of the City Code.

- (2) *Construction.* Signs must be permanently attached to a building, structure, or footing by direct attachment to a rigid wall or structure.
  - A. Signs attached to masonry, concrete, or steel must be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.
  - B. Where wood anchors or supports are embedded in the soil, the wood must be pressure-treated with an approved preservative.
- (3) *Illumination.* When the illumination of a sign is proposed, it must satisfy the following requirements:
  - A. A sign must be illuminated only with electric lighting installed in accordance with the requirements of Chapter 5 of City Code;
  - B. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line; and
  - C. Sign illumination must not cause traffic interference.
- (b) *Temporary sign and window sign design, construction, and illumination.* The following standards apply to A-frame signs, temporary building-mounted banner signs, temporary freestanding signs, and window signs.
  - (1) *Construction.*
    - A. Signs must not be constructed in a manner that requires a building or electrical permit; and
    - B. Signs must be securely anchored to the structure or land in which it is located.
  - (2) *Illumination.* Signs other than permanent window signs must not be illuminated in any manner.

## **Division 10.5. Sign Maintenance**

### **Sec. 25.10.5.1. Sign maintenance.**

- (a) All signs and sign support structures, together with their supports, braces, guys, and anchors, must be maintained in good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article at all times.
- (b) The display surfaces of all signs must be kept neatly painted or posted at all times.

## **Division 10.6. Nonconforming Signs and Abandoned Signs**

### **Sec. 25.10.6.1. Nonconforming signs.**

- (a) Any nonconforming sign may remain erected, installed, or in use subject to the requirements of this section.

- (b) Whenever an existing nonconforming sign is structurally altered, abandoned, destroyed, replaced, or substantially damaged, it must be modified to bring it into conformance with this Article.
  - (1) Repairs and maintenance of nonconforming signs, such as repainting, refacing, and electrical repairs, will be permitted, provided that repainting does not include a change of copy.
- (c) Any sign lawfully existing immediately prior to the effective date of this Chapter, or any application amendment thereof, but which does not conform to the requirements as now constituted, must be removed within eight years from the date that the sign became nonconforming.
- (d) In all other respects, nonconforming signs must comply with the applicable requirements of Article 9.

#### **Sec. 25.10.6.2. Abandoned signs.**

- (a) Any sign which identifies a business, lessor, service, owner, product, or activity that is no longer located on the premises, or a sign for which no legal owner can be found is deemed to be abandoned and must be removed within 30 days from the time the activity on the premises ceases or the business owner vacates the premises, whichever occurs first. This regulation also applies to any permanent sign not properly maintained or operated for a period of six months or longer, any temporary sign that has deteriorated, and any sign structure that no longer supports the sign for which it was designed. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property, building, or space remains vacant for a period of six months or more.
- (b) An abandoned sign must be removed within 30 days from the time the activity on the premises ceases or the business owner vacates the premises, whichever occurs first.
- (c) Removal consists of the disassembly of the sign face and installation of temporary replacement face where applicable.
  - (1) Nonconforming signs are subject to the provisions of Sec. 25.10.6.1.

### **Division 10.7. Permits, Plans, and Variances**

#### **Sec. 25.10.7.1. Permit required.**

- (a) Except as expressly exempted or otherwise provided in this Article, a sign permit in conformance with the requirements of Sec. 25.4.4.4 must be obtained prior to the installation, erection, illumination, or modification of any sign allowed under this Article, including changing the face of a sign.

#### **Sec. 25.10.7.2. Comprehensive sign plan.**

- (a) *Applicability.* All developments, including any amendments thereof, requiring Site Plan approval that propose two or more signs will be required to submit a comprehensive sign

plan demonstrating conformance to the requirements of this Article as part of the Site Plan application prior to issuance of the first sign permit.

- (1) If a Site Plan is associated with a Project Plan, the comprehensive sign plan may address either the entire site subject to the Project Plan or the portion of the site subject to the Site Plan.

#### **Sec. 25.10.7.3. Sign variances.**

- (a) *Intent.* The intent of this section is to allow relief, in certain situations, from the strict application of the regulations identified within this Article.
- (b) *Findings for sign variances.* The Chief of Zoning may approve a sign variance, with or without conditions, only after making all of the following findings:
  - (1) Strict application of this Article would preclude effective signage on the site.
  - (2) The variance application proposes a sign or signs that are compatible with the major structures on the site.
- (c) *Implementation period.* Any sign or signs approved by a sign variance must be installed within six months of the date of the approval of such sign variance. If a sign approved by a sign variance is not installed within such time period, the variance approval will expire.

## **Article 11. Historic Preservation**

### **Division 11.1. Historic Zoning**

#### **Sec. 25.11.1.1. Historic District Overlay zone.**

- (a) *Purpose.* The purpose of the Historic District Overlay Zone is to:
- (1) Safeguard the heritage of the City by preserving sites and structures that reflect elements of cultural, social, economic, political, archaeological, or architectural history;
  - (2) Stabilize and improve the property values of historic sites and structures and the adjacent neighborhood;
  - (3) Foster civic beauty;
  - (4) Strengthen the local economy; and
  - (5) Promote the preservation and appreciation of historic sites and structures for the education and welfare of the residents of the City.
- (b) *Underlying zoning.* The regulations of the Historic District Overlay Zone are in addition to the regulations of a site's base zoning. Where the regulations of the Historic District Overlay Zone and a site's base zoning conflict, the regulations of the Historic District Overlay Zone govern.

#### **Sec. 25.11.1.2. Historic Designation of sites and structures.**

- (a) *Criteria for historic designation.* A site may be appropriate for inclusion in the Historic District Overlay Zone if the site or a structure on the site meets one or more of the criteria in Secs. 25.11.1.2(a)(1) and (2), and displays integrity, as defined in Sec. 25.11.1.2(a)(3).
- (1) *Historic significance.* The site or structure:
    - A. Represents the development, heritage, or cultural characteristics of the City;
    - B. Is the site of an important event in the history of the City;
    - C. Is identified with a person or group of persons who influenced the City's history; or
    - D. Exemplifies the cultural, economic, industrial, social, political, archaeological, or historical heritage of the City.
  - (2) *Architectural, design and landscape significance.* The site or structure:
    - A. Embodies distinctive characteristics of a type, period, or method of construction;
    - B. Represents the work of a master architect, craftsman, or builder;
    - C. Possesses a style or elements distinctive to the region or the City;
    - D. Represents a significant architectural, design, or landscape entity in the City; or
    - E. Represents an established visual feature of the neighborhood or the City because of its physical characteristics or landscape components.

- (3) *Integrity.* A site or structure has integrity if:
- A. The location, design, setting, workmanship, materials, or historic association of the site or structure displays integrity as described in the standards and guidelines of the U.S. Department of the Interior; and
  - B. If the historic resource is a structure, a majority of the structural system and materials and the structure's character-defining features remain intact.
- (b) *Initiation of historic designation process.* Evaluation of a site or a structure for historic designation begins upon the occurrence of any of the following:
- (1) The filing of an application nominating the site or structure for historic designation by the owner of the site or structure, the Historic District Commission, or the Mayor and Council;
  - (2) The filing of a natural resources inventory identifying a potentially significant historic resource on a site; or
  - (3) The filing of a demolition permit for a structure that:
    - A. Is within the Historic District Overlay Zone;
    - B. Is identified in the City of Rockville's Historic Buildings Catalog, as may be amended; or
    - C. Meets one or more of the criteria in Secs. 25.11.1.2(a)(1) and (2), above, in the opinion of the Chief of Zoning.
- (c) *Notice of proposed historic designation.* At least 14 days before acting to nominate a site or structure for historic designation under Sec. 25.11.1.2(b)(1), the Mayor and Council or Historic District Commission must provide written notice of the proposed nomination by certified mail to the owner of such site or structure.
- (d) *Notice of proposed demolition.* For a demolition permit that meets the criteria of Sec. 25.11.1.2(b)(3), notice must be provided pursuant to Article 3, Division 3.3.
- (e) *Chief of Zoning review.* Upon the occurrence of any event in Sec. 25.11.1.2(b), above, the Chief of Zoning must evaluate the site or structure under the criteria in Sec. 25.11.1.2(a), above, and recommend to the Historic District Commission whether the site or structure should be designated as historic.
- (f) *Historic District Commission review.* Upon receipt of the recommendation of the Chief of Zoning, the Historic District Commission must evaluate the site or structure proposed for historic designation under the criteria in Sec. 25.11.1.2(a), above.
- (g) *Filing of sectional map amendment application.* If the Historic District Commission finds that the site or structure meets the criteria to be eligible for historic designation, it may initiate the filing of a sectional map amendment application to place the historic site or the site of the historic structure in the Historic District Overlay Zone by majority vote, unless the owner of the site or structure has opposed the designation in writing, in which case the

vote must be unanimous. The sectional map amendment application must include a written recommendation explaining the findings of the Historic District Commission as to why the Mayor and Council should rezone the property to the Historic District Overlay Zone.

- (h) *Completion of historic designation process.* The historic designation process is complete upon the occurrence of either of the following:
  - (1) The determination of the Historic District Commission that the site or structure does not meet the criteria for historic designation; or
  - (2) The determination of the Mayor and Council to take final action to grant or deny a sectional map amendment to place the site at issue in the Historic District Overlay Zone.
- (i) *Restrictions on property during interim historic review period.* If a site or structure is the subject of any event listed in Sec. 25.11.1.2(b), above, no exterior change may be made to the site or structure until the historic designation process is complete, unless the property owner first obtains a certificate of approval from the Historic District Commission. The restrictions of this subsection apply for 210 days from the date of the event that initiated the historic designation review period.
- (j) *Previously reviewed site or structure.* A site or structure may not be reviewed for historic designation if it was evaluated for historic designation by the Historic District Commission within the preceding five years and was not placed in the Historic District Overlay Zone, unless the owner nominates the site or structure for historic designation pursuant to Sec. 25.11.1.2(b)(1), above.

#### **Sec. 25.11.1.3. Removal of historic designation.**

- (a) *Criteria for removal.* A site may be removed from the Historic District Overlay Zone for one or more of the following reasons:
  - (1) The site or structure on the site has lost the physical characteristics that justified placement of the site in the Historic District Overlay Zone; or
  - (2) Other good cause.
- (b) *Authority to file application.* An application to remove a site's historic designation may be made by the property owner or the Mayor and Council.
- (c) *Chief of Zoning review.* Upon receipt of an application to remove a site's historic designation, the Chief of Zoning must evaluate the application under the criteria in Sec. 25.11.1.3(a), above, and make a recommendation to the Historic District Commission.
- (d) *Historic District Commission review.* Upon receipt of the recommendation of the Chief of Zoning, the Historic District Commission must evaluate the application under the criteria in Sec. 25.11.1.3(a).
- (e) *Filing of sectional map amendment application.* If the Historic District Commission finds that the site meets the criteria to be eligible for removal from the Historic District Overlay

Zone, it may initiate the filing of a sectional map amendment application to remove the site from the historic district overlay zone. The sectional map amendment application must include a written recommendation explaining the findings of the Historic District Commission as to why the Mayor and Council should remove the site from the Historic District Overlay Zone.

- (f) *Mayor and Council decision.* Upon receipt of a sectional map amendment application to remove a site from the historic district zone from the Historic District Commission, the Mayor and Council must take a final action to grant or deny the application based on the criteria in Sec. 25.11.1.3(a).

## **Division 11.2. Certificates of Approval & Demolition by Neglect**

### **Sec. 25.11.2.1. Certificate of approval.**

- (a) *Requirement.* A person must receive approval of a certificate of approval before taking any actions affecting a site or the exterior of a structure on a site in the Historic District Overlay Zone. Such actions include, but are not limited to:
  - (1) Construction;
  - (2) Alteration;
  - (3) Relocation;
  - (4) Demolition;
  - (5) Reconstruction; and
  - (6) Demolition by neglect.
- (b) *Exceptions.* A certificate of approval is not required for the painting of the exterior of a structure, the repair or replacement of site or structural features and improvements using the same design and materials, normal gardening and landscaping, hazardous tree removal, or driveway repairs.
- (c) *Administrative approval.* The Chief of Zoning may approve a certificate of approval for the following work within the Historic District Overlay Zone, upon finding that such work is consistent with the City of Rockville: Technical Guides for Exterior Alterations – A Practical Series for the Preservation and Maintenance of Rockville’s Historic Resources, Adopted 2004-2006, as may be amended:
  - (1) The construction of an accessory structure that does not exceed 150 square feet;
  - (2) A minor revision to plans associated with a certificate of approval issued by the Historic District Commission;
  - (3) Replacement of an existing driveway with different materials;
  - (4) Erection of a new fence or wall or continuation of an existing fence or wall in the same style as the existing fence or wall;

- (5) Minor exterior alterations to a structure, including, but not limited to, the installation of a mailbox or house numbers;
  - (6) Installation or replacement of minor landscape features, including plantings and planters;
  - (7) The replacement of exterior light fixtures or the installation of new light fixtures, including fixtures to illuminate signage;
  - (8) Minor paving, including the construction or replacement of brick, stone, concrete, or gravel walkways, sidewalks, small parking areas, and patios;
  - (9) Installation of a new sign;
  - (10) Installation of storm windows and storm doors;
  - (11) Removal of the following types of trees and shrubs:
    - A. Trees immediately adjacent to buildings or walls that undermine structural foundations or threaten roofs, as certified by the administrator of Chapter 10.5;
    - B. Diseased trees, as certified by the administrator of Chapter 10.5; and
    - C. Any tree or shrub with a main trunk or stem of less than 12 inches diameter at breast height, as certified by the administrator of Chapter 10.5.
  - (12) Installation of utility meters, vents, cable or telephone boxes, exterior wiring, antennas, satellite dishes, HVAC system components, electric vehicle charging stations and exterior security devices.
- (d) *Historic District approval.* Where administrative approval is not authorized, the Historic District Commission must review and act upon an application for a certificate of approval, subject to the following requirements:
- (1) *Notice.* Notice must be provided pursuant to Article 3, Division 3.3.
  - (2) *Public hearing.* The Historic District Commission must hold a public hearing on a certificate of approval application before approving or denying the application. At the public hearing, interested parties must have the opportunity to offer testimony on the application.
  - (3) *Findings.* The Historic District Commission may only approve a certificate of approval application if it finds that:
    - A. The proposed changes do not diminish the character or integrity of the historic site or structure;
    - B. The proposed changes are compatible with any historically significant structures or elements on the site; and
    - C. The proposed changes are consistent with the following sources of design review:

1. Secretary of the Interior's Standards for the Treatment of Historic Properties, as amended; and
  2. City of Rockville: Technical Guides for Exterior Alterations – A Practical Series for the Preservation and Maintenance of Rockville's Historic Resources, Adopted 2004-2006, as may be amended.
- (4) *Approval conditions.* The Historic District Commission may condition its approval of a certificate of approval on any conditions it finds necessary to make the above findings.
- (5) *Decision by resolution.* After the public hearing, the Historic District Commission must approve or deny a certificate of approval by resolution.
- (e) *Expiration.* An applicant must receive all necessary permits and approvals and commence any construction or demolition necessary to implement a certificate of approval within five years of the date of approval of the certificate of approval, or the certificate of approval expires. For good cause shown, the Approving Authority may approve a longer implementation period at the time of approval of the certificate of approval.
- (f) *Building permit.* No building permit may be issued for any activity subject to this Section until an approved certificate of approval for such activity has been approved.
- (g) *Resubmittal of denied applications prohibited.* An applicant may not resubmit an application for a certificate of approval that is identical to a denied application for three years after the denial.
- (h) *Nonconforming historic sites and structures.* Subject to Historic District Commission approval of a certificate of approval, within a designated historic district zone, any historically designated building, structure, or site may be repaired or replaced in kind in its original location, notwithstanding its failure to comply with any development standard contained in this Chapter. Any renovations or additions beyond the scope of the original structure, as defined by the period of significance, are subject to the development standards of this Chapter.

#### **Sec. 25.11.2.2. Demolition by neglect.**

- (a) *Demolition by neglect prohibited.* A person may not cause the demolition by neglect of any structure within the Historic District Overlay Zone.
- (b) *Notice of demolition by neglect.* Upon determining that a structure within the Historic District Overlay Zone is at danger of demolition by neglect, the Chief of Zoning must notify, in writing, the property owner of record, any person having a right, title, or interest therein, and the occupant or other person responsible for the maintenance of the property, of the demolition by neglect. The notice shall specify the minimum items of repair or maintenance necessary to correct the demolition by neglect or prevent further demolition by neglect.
- (c) *Corrective actions.* Notice of demolition by neglect shall provide that corrective action must commence within 30 days of the date of said notice and be completed within a reasonable

time thereafter. The notice shall state that the owner of record of the property, or any person of record with any right, title, or interest therein, may, within 10 days after the date of the notice, request a hearing on the necessity of the items and conditions contained in the notice.

- (d) *Municipal infraction.* Failure to comply with a notice of demolition by neglect, including all corrective actions ordered, shall constitute a violation of this Chapter.

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## Article 12. Plats & Subdivisions

### Division 12.1. General Provisions

#### Sec. 25.12.1.1. Applicability.

- (a) *Subdivision approval required.* Subdivision of land within the City is not permitted without approval of a major or minor subdivision and recordation of a record plat pursuant to this Article.
- (b) *Ownership plat approval required.* Division of land into separate ownership lots within the City is not permitted without approval of an ownership plat pursuant to this Article.
- (c) *Exceptions.* This Article does not apply to the division or sale of land by judicial decree.

#### Sec. 25.12.1.2. Record lot required.

- (a) *Structures.* A structure may not be constructed in the City unless it is on a record lot.
- (b) *Residential dwelling.* Excluding cottage courts permitted by this Chapter, no more than one single unit detached dwelling may be located on a record lot.

#### Sec. 25.12.1.3. Record plat requirements.

- (a) *Requirements.* Any record plat submitted pursuant to Divisions 12.2 or 12.3 of this Article or ownership plat submitted pursuant to Division 12.4 must include the following information:
  - (1) *Record plat requirements.* A record plat must include the following information:
    - A. The title of the plat, the name of the subdivision, the name of the subdivision's owner, and the appropriate data, scale, and north arrow of the plat;
    - B. The tract boundary lines, right-of-way lines of streets, existing and proposed public easements, and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings, and distances; a curve table indicating central angle, radius, tangent, arc, chord, and chord bearings for all curves; name and right-of-way width of each street or other right-of-way;
      - 1. All bearings must be generated in the Maryland Coordinate System (MCS); Where no MSC monument exists, the Department of Public Works may determine the acceptable meridian;
    - C. The land area of each proposed lot and parcel, provided in square feet and acres;
    - D. The location, dimensions, and purposes of any easements;
    - E. The lot and block numbering system for new lots within an existing subdivision, which must continue the previously established lot and block numbering system;
    - F. The purpose for which parcels, other than residential lots, are dedicated;
    - G. A note describing any waiver granted at time of plat approval pursuant to Division 12.7 of this Article.

- H. The location and description of monuments;
  - I. The names of record owners of adjacent unplatted land;
  - J. The lot, block, and subdivision name of adjacent platted land;
  - K. Certification and seal by a land surveyor registered in the State, certifying the accuracy of survey and plat;
  - L. Certification by the Planning Commission or Chief of Zoning, as applicable, and the City Manager approving the plat;
  - M. A statement of dedication by the owner of dedicated streets, rights-of-way, and any sites to public use;
  - N. A statement by the owner granting easements established by the plat;
  - O. A statement of consent and signature of all lienholders or trustees of the property subject to the plat; and
  - P. A certification that the subdivider is the owner of the land.
- (2) *Additional information.* The record plat must be accompanied by other detailed plans and data including such other certificates, affidavits, or endorsements as may reasonably be required by the Planning Commission, Chief of Zoning, or the Department of Public Works in the enforcement of this Chapter.

## **Division 12.2. Minor Subdivisions**

### **Sec. 25.12.2.1. Minor subdivisions.**

- (a) *Applicability.* Except as provided in Sec. 25.12.2.1(b), the following subdivisions are considered minor subdivisions and are subject to the requirements of this Section:
- (1) Subdivision of land involving four or fewer lots fronting on an existing road;
  - (2) Adjustment of a common property line between two or more existing record lots;
  - (3) Consolidation of two or more lots into one lot;
  - (4) A plat of correction;
  - (5) Replatting a parcel to incorporate land dedicated to public use that has been abandoned or otherwise disposed of, including, but not limited to, public right-of-way;
  - (6) Replatting a parcel to reflect the dedication of land to public use, including, but not limited to, right-of-way, public easements, and donations and gifts of land to the public;
  - (7) Conversion of a part of a lot into a record lot; and
  - (8) Platting of a qualifying undersize lot pursuant to Sec. 25.12.5.2(e).
- (b) *Exceptions.* A subdivision is considered a major subdivision subject to Division 25.12.3 of this Article if it requires the extension of public roads, water, or sewer facilities; requires

relief from the requirements of this Chapter; or includes more than four lots fronting on an existing road.

- (c) *Approval required.* Minor subdivision requires approval of a record plat. A preliminary plan of subdivision is not required for a minor subdivision.
- (d) *Approving Authority.* The Chief of Zoning is the Approving Authority for minor subdivisions.
- (e) *Application process.*
  - (1) *Application.* The applicant must file a record plat application in accordance with Sec. 25.3.2.2.
  - (2) *Notice.* The applicant must provide notice of the application as required by Article 3, Division 3.3. The notice must include the date for action on the plat by the Approving Authority and state that all interested parties have 15 days from the date of the letter to provide comments.
  - (3) *County and State approval.* The Approving Authority may not approve a record plat without prior approval of any County or State government agencies which have jurisdiction. Such agencies must approve, with or without modification, or disapprove the record plat to the extent that each has jurisdiction. Such agencies must submit their approval or disapproval to the Approving Authority in writing within 15 days of the receipt of the record plat application. If they fail to act, such failure is deemed to be approval.
- (f) *Findings.* The Chief of Zoning may only approve a minor subdivision upon finding that the record plat conforms to all requirements of this Chapter, except as follows:
  - (1) *Qualifying undersized lots.* Qualifying undersized lots pursuant to Sec. 25.12.5.2(e) must only conform to the standards of Sec. 25.7.1.2.
- (g) *Approval conditions.* The Chief of Zoning may condition approval of a minor subdivision on any conditions the Chief of Zoning finds necessary to make the finding in Sec. 25.12.2.1(f).
- (h) *Decision by letter.* The Chief of Zoning must approve or deny a minor subdivision by dated letter within 30 days of acceptance of a complete application.
  - (1) *Timing.* If the Chief of Zoning does not act within the required timeframe, the application is deemed approved, and the Chief of Zoning must issue a statement in writing to that effect on demand. However, the applicant may waive this requirement and consent to an extension of such period.
  - (2) *Denial.* Should the Chief of Zoning deny the minor subdivision, the letter must state the grounds for denial.
  - (3) *Transmittal to Planning Commission.* The Chief of Zoning must transmit a copy of the letter approving or denying a minor subdivision to the Planning Commission as well as all parties entitled to notification of the decision under Sec. 25.3.3.5.

- (i) *Aggrieved parties.* The Chief of Zoning's decision letter must state that any aggrieved person may, within 15 days of the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received within 15 days of the date of decision letter, the decision of the Chief of Zoning will become void and the minor subdivision application will be referred to the Planning Commission to conduct a public hearing and render a decision based on the findings in Sec. 25.12.2.1(f).
- (j) *Signature and recordation.* After all conditions associated with minor subdivision approval are satisfied, the Chief of Zoning and the City Manager must sign the record plat associated with the minor subdivision, record the plat in the Land Records of Montgomery County, Maryland, and notify the applicant of the date of recording and the plat book and plat number.
- (k) *Revocation.* If the record plat is not recorded pursuant to Sec. 25.12.2.1(j) within two years after record plat approval due to the failure of the applicant to comply with any conditions, the application is considered withdrawn and any previous approval is revoked. For good cause shown, not more than two extensions not exceeding one year each may be granted by the Chief of Zoning; except that the Chief of Zoning may extend the time for recording the record plat to the expiration date of any existing site plan or project plan approval.
- (l) *Establishing addresses.* Following recordation of the plat, the Chief of Zoning will assign addresses to any new lots.

#### **Sec. 25.12.2.2. Consolidation of two or more residential lots into one lot.**

- (a) *When required.* An applicant must receive approval of a minor subdivision for the consolidation of two to four residential lots into one lot before receiving a permit to:
  - (1) Demolish a single-unit detached dwelling that crosses an existing lot line; or
  - (2) Construct an addition to a single-unit detached dwelling that does not cross an existing lot line, where the addition would cross an existing lot line.
- (b) *When optional.* An applicant is not required to receive approval of a minor subdivision for the consolidation of two or more lots into one lot before receiving a permit to construct an addition to a single-unit detached dwelling that crosses an existing lot line at the time of permit application, regardless of whether the addition would also cross the lot line.

### **Division 12.3. Major Subdivisions**

#### **Sec. 25.12.3.1. Major subdivisions.**

- (a) *Applicability.* Any subdivision that is not eligible for minor subdivision approval under Division 12.2 of this Article is a major subdivision.
- (b) *Approvals required.* A major subdivision requires approval of a preliminary plan of subdivision followed by approval of a record plat. A Project Plan or site plan approved in

accordance with Article 4, Division 4.1 may serve as a preliminary plan of subdivision, so long as it meets all applicable subdivision standards of Division 12.5 of this Article.

(c) *Approving Authority.* The Planning Commission is the Approving Authority for preliminary plans of subdivision and record plats associated with major subdivisions.

(1) *Exception.* A Project Plan or site plan serving as a preliminary plan of subdivision is approved by the applicable Approving Authority, pursuant to Article 4, Division 4.1.

(d) *Preliminary plan of subdivision approval process.*

(1) *Application process.*

A. *Application.* The applicant must file a preliminary plan of subdivision application in accordance with Sec. 25.3.2.2. Before filing a preliminary plan application, the applicant must have received approval of a natural resources inventory pursuant to Chapter 10.5.

B. *Notice.* The applicant must provide notice of the application as required by Article 3, Division 3.3. The notice must state that all interested parties have 30 days from the date of the letter to provide comments.

C. *Development Review Committee meeting.* After submitting the application, the applicant must hold a meeting with the Development Review Committee.

D. *County and State recommendation.* The Planning Commission must not approve a preliminary plan of subdivision application unless there is on file with the Commission the recommendation of any County or State government agencies that have jurisdiction. Each agency to which a plan is referred must return one copy of the plan to the Commission within 30 days of referral, with its recommendation noted thereon. If such recommendation is not made within the 30-day period, the preliminary plan is deemed to be approved by the agency, unless the period has been extended by the Commission.

(2) *Planning Commission action.* Within 60 days of the date the preliminary plan application was filed and deemed complete by the Chief of Zoning, the Planning Commission must hold a public hearing on a preliminary plan application and approve or disapprove the application by resolution. Failure to act within 60 days constitutes approval of the preliminary plan. However, the applicant may consent to an extension or waiver of such period.

(3) *Findings.* The Planning Commission may only approve a preliminary plan of subdivision application if it finds that the application:

A. Is consistent with the Plan;

B. Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and

- C. Conforms to the requirements of this Chapter and other applicable law.
- (4) *Approval conditions.* The Planning Commission may condition its approval of a preliminary plan of subdivision on any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.3.1(d)(3).
- (5) *Preliminary plan not a record plat.* Approval of a preliminary plan does not constitute approval of a record plat.
- (6) *Expiration.* A preliminary plan of subdivision approved under this Section expires if an applicant does not file a record plat application within two years of preliminary plan approval.
- (e) *Record plat approval process.*
  - (1) *Portion of plan.* The record plat may represent only a portion of any applicable preliminary plan of subdivision, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the public health, aesthetics, safety, and welfare, including adequate access to contiguous areas.
  - (2) *Application process.*
    - A. *Application.* After receiving approval of a preliminary plan of subdivision, an applicant for a major subdivision must file a record plat application in accordance with Sec. 25.3.2.2.
    - B. *Notice.* The applicant must provide notice of the application as required by Article 3, Division 3.3. The notice must state that all interested parties have 30 days from the date of the letter to provide comments.
    - C. *County and State recommendation.* The Planning Commission must not approve a preliminary plan of subdivision application unless there is on file with the Commission the recommendation of any County or State government agencies that have jurisdiction. Each agency to which a plan is referred must return one copy of the plan to the Commission within 30 days of referral, with its recommendation noted thereon. If such recommendation is not made within the 30-day period, the preliminary plan is deemed to be approved by the agency, unless the period has been extended by the Commission.
  - (3) *Planning Commission action.* Within 30 days of the date the record plat application was filed and deemed complete by the Chief of Zoning, the Planning Commission must hold a public hearing on the application and approve or disapprove the application. Failure to act within 30 days constitutes approval of the record plat. However, the applicant may consent to an extension or waiver of such period. The grounds for disapproval of any record plat must be stated in the records of the Planning Commission and a copy furnished to the applicant.

- (4) *Findings.* The Planning Commission may only approve a record plat application upon finding that the application:
  - A. Substantially conforms to any applicable preliminary plan of subdivision; and
  - B. Conforms to all requirements of this Chapter.
- (5) *Approval conditions.* The Planning Commission may condition approval of a major subdivision application on any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.3.1(e)(4).
- (6) *Signature and recordation.* After all conditions associated with major subdivision approval are satisfied, the Chair of the Planning Commission and the City Manager must sign the record plat and the Chief of Zoning must record the plat in the Land Records of Montgomery County, Maryland and notify the applicant of the date of recording and the plat book and plat number.
- (7) *Revocation.* If the record plat is not recorded pursuant to Sec. 25.12.3.1(e)(6) within two years after record plat approval, due to the failure of the applicant to comply with any conditions, the application is considered withdrawn, and any previous approval is revoked. For good cause shown, not more than two extensions not exceeding one year each may be granted by the Planning Commission; except that the Commission may extend the time for recording the record plat to the expiration date of any existing site plan or project plan approval.
- (8) *Establishing addresses.* Following recordation of the plat, the Chief of Zoning will assign addresses to any new lots.

## **Division 12.4. Ownership Plats**

### **Sec. 25.12.4.1. Ownership plats.**

- (a) *Applicability.* A site must meet the following criteria to be eligible for an ownership plat:
  - (1) More than one building or building component exists, or is proposed to be located, on the site;
  - (2) The site 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 site contains a use other than single-unit detached residential or such use is shown on an approved site plan or equivalent approval;
  - (3) The site does not include and is not proposed to include single-unit detached dwellings or townhouses; and
  - (4) The site is a single record lot and is the subject of an approved Project Plan or site plan or equivalent approval that covers the entire site.
- (b) *Approving Authority.* The Planning Commission is the Approving Authority for ownership plats.

- (c) *Application process.*
- (1) *Application.* An applicant for an ownership plat must file the application in accordance with Sec. 25.3.2.2.
  - (2) *Notice.* The applicant must provide notice of the application as required by Article 3, Division 3.3.
- (d) *Planning Commission action.* The Planning Commission must hold a public hearing on the application and approve or disapprove the application. The grounds for disapproval of any ownership plat must be stated in the records of the Planning Commission and a copy furnished to the applicant.
- (e) *Findings.* The Planning Commission may approve an ownership plat where the following conditions exist:
- (1) The site of the application meets the criteria in Sec. 25.12.4.1(a);
  - (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 a recorded lot; and
  - (3) It is not feasible to subdivide each building or building component on the site into individual record lots 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 site plan or equivalent approval for the site are designed to serve the various buildings or building components, or other design features of the development are integrated among the buildings or components;
    - C. Density calculations or bonus densities allowed in the zone and approved in a site plan or equivalent approval are based on the area of the entire site; or
    - D. The creation of ownership lines or financing lines is intended principally to accommodate the separate ownership or financing of the site, rather than its formal subdivision.
- (f) *Approval conditions.* The Planning Commission may condition approval of an ownership plat on any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.4.1(e).
- (g) *Signature and recordation.* After all conditions associated with ownership plat approval are satisfied, the Chair of the Planning Commission and City Manager must sign the ownership plat and the Chief of Zoning must record the plat in the Land Records of Montgomery County, Maryland, and notify the applicant of the date of recording and the plat book and plat number.

- (h) *Approval required for recordation or sale.* No person can record an ownership plat among the Land Records of Montgomery County, Maryland, or sell any property with reference to an ownership plat, until such ownership plat has first been approved by the Planning Commission.
- (i) *Expiration.* In the event that the ownership plat is not recorded within two years after receiving approval, due to the failure of the applicant to comply with any conditions, the application is considered withdrawn, and any previous approval is revoked.
- (j) *Establishing addresses.* Following recordation of the ownership plat, the Chief of Zoning will assign addresses to any new lots.

## **Division 12.5. Subdivision Standards**

### **Sec. 25.12.5.1. Applicability.**

- (a) Plats of correction are exempt from this Division.
- (b) The following minor subdivisions must only comply with Secs. 25.12.5.2 and 25.12.5.10 of this Division:
  - (1) Adjustment of a common property line between two or more existing record lots;
  - (2) Replatting a parcel to incorporate land dedicated to public use that has been abandoned or otherwise disposed of, including, but not limited to, public right-of-way; and
  - (3) Platting of a qualifying undersize lot pursuant to Sec. 25.7.1.2.

### **Sec. 25.12.5.2. Lot standards.**

- (a) *Generally.* Lot size, width, depth, shape, orientation, and minimum building setback line must be in accordance with the provisions of this Chapter and all other applicable laws.
- (b) *Townhouses.* Each record lot for a townhouse, if provided, must front on a public street, private street, or a common open space.
- (c) *Multiplexes.* Lots for individual dwelling units in a multiplex may be created if at least one of the dwellings fronts a public street. Frontage provided must be adequate to provide access and an ingress/egress and utility easement ensuring that every lot has access to the street.
- (d) *Pipe stem lots.* The following provisions apply only to platting of pipe stem lots:
  - (1) It must be noted on the record plat that for pipe stem lots, municipal refuse collection, snow removal, and road maintenance are provided to the junction of the pipe stem lot driveway and public street.
  - (2) Front setback distance must be measured from the point where the lot and pipe stem join.

- (e) *Qualifying undersized lots.* In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, a lot that does not meet the area or dimensional standards of the underlying zone may be recorded as a record lot when the following conditions are met:
  - (1) The lot was created by plat or deed before October 1, 1957, and has existed in the same configuration since that time;
  - (2) Is a minimum of 4,000 square feet in area; and
  - (3) Has frontage as required in the zone or access to a public street.
- (f) A lot created by plat or deed before October 1, 1957, in a single dwelling unit residential zone that does not meet the conditions of Sec. 25.12.5.2(e) considered to be unbuildable.
- (g) *Nonconformity through public acquisition.* A lot that no longer conforms to the standards of this Section as a result of acquisition through eminent domain or other government action in lieu of eminent domain and that conformed to this Section before the government acquisition may be recorded as a record lot, notwithstanding the nonconformity.

#### **Sec. 25.12.5.3. Streets and public infrastructure.**

- (a) *Conformance with the transportation element of the Plan.* Whenever a site to be subdivided includes any part of a street, road, or highway indicated on the Plan, such parts must be suitably incorporated by the applicant in the preliminary plan of subdivision and record plat.
- (b) *Compliance with Chapter 21.* All streets and public improvements must be constructed in accordance with the specifications and requirements of Chapter 21. In addition, the applicant must comply with the following criteria for such improvements in connection with the subdivision.
  - (1) If adjoining property is not subdivided, provision must be made for the projection of proposed roads by continuing the full widths of rights-of-way laid out for the roads to the boundaries of the subdivision. This provision does not prevent the establishment of culs-de-sac within the subdivision.
  - (2) Where the preliminary plan and record plat submitted include only part of the site owned by the applicant, the Approving Authority may require a sketch of the tentative road system for all or any part of the unsubdivided contiguous land, supported by such other data as the Approving Authority may reasonably determine to be necessary.
  - (3) No street names can be used which will duplicate or be confused with the names of existing streets in the County. Street names will be established by the Planning Commission.
  - (4) Property lines at street intersections must be the long chord length of a curve with a radius of 25 feet or greater where the Approving Authority may reasonably deem it necessary. The Approving Authority may permit rounded corners with a comparable radius in place of chords.

- (c) *Public utility and street improvements.* An applicant must provide the following public utility and street improvements in connection with a subdivision, except those improvements provided by the City and paid for on an assessment basis. All such improvements must be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the City.
- (1) Roads, including such related improvements as are required by Chapter 21.
  - (2) Stormwater drainage as required by Chapters 19 and 21.
  - (3) Every portion of a subdivision must be supplied with public water and sanitary sewerage facilities in accordance with Chapter 24 or WSSC standards, as applicable.
  - (4) Direct pedestrian and bicycle connections, when required by the Planning Commission as provided in this Division.
  - (5) Streetlights, in accordance with plans and specifications approved by the appropriate public utility and the Director of Public Works.

**Sec. 25.12.5.4. Direct pedestrian and bicycle connections.**

- (a) Where sufficient connectivity is not provided within the public right-of-way as determined by the Director of Public Works, the applicant must provide off-street pedestrian and bicycle facilities connecting the subdivision to existing pedestrian and bicycle facilities, and other public facilities along the most direct route, as well as provide for potential connections to adjacent properties as appropriate. The proposed pedestrian and bicycle facilities must meet City standards and be provided within a public use easement.

**Sec. 25.12.5.5. Public utility easements.**

- (a) *Width.* When crossing lots, public utility easements or public utility rights-of-way for dry utilities must not be less than ten feet in width, or as may reasonably be required and approved by the applicable dry utility company and the Director of Public Works.
- (b) *Gas transmission main.* Where a residential subdivision includes or adjoins an easement or right-of-way for an underground high volume and pressure gas transmission main, the applicant must provide lots of sufficient size to allow a 50-foot minimum distance between the easement or right-of-way and any proposed dwelling units on the lots.
- (c) *Construction requirements.* The public utility improvements (water, sewer, and storm drains) must comply with the Department of Public Works Design Standards and Specifications for Construction or other applicable Washington Suburban Sanitary Commission (WSSC) and Montgomery County standards.

**Sec. 25.12.5.6. Public sites and open spaces.**

- (a) Where a proposed park, playground, or other public use shown in the Plan is located in whole or in part within a subdivision, the applicant must dedicate or reserve, at the option of the Mayor and Council, adequate space for such purpose in such area within the

subdivision when the Mayor and Council finds the requirements to be reasonably necessary to the public health, aesthetics, safety, or welfare.

**Sec. 25.12.5.7. Floodplains, dam inundation, and sediment control.**

- (a) *Floodplains.* No lot may be platted within the limits of the 100-year floodplain of any stream or other drainageway, the limits of which are defined as set forth in Chapter 10 using generally accepted engineering methods approved by the Floodplain Administrator as defined in Chapter 10 and conducted by or at the expense of the applicant.
- (b) *Dam inundation.* No lot may be platted within the limits of the inundation area of any upstream dam.
- (c) *Sediment control.* The approval of major and minor subdivisions must include provisions for stormwater management and erosion and sediment control in compliance with the provisions of Chapter 19.

**Sec. 25.12.5.8. Tree planting.**

- (a) *Street trees.* An applicant must plant at least one street tree per 40 feet of lot frontage within the public right-of-way or, if approved by the Approving Authority, adjacent to the public right-of-way. The species, location, and method of planting shall be approved by the administrator of Chapter 10.5 or designee of the Director of Community Planning and Development Services.
- (b) *Lot trees.* An applicant must provide at least one tree on each residential lot per 2,000 square feet or fraction thereof of lot area. Notwithstanding the foregoing, an applicant shall not be required to plant more than three trees under this Section. Existing trees on a lot, if properly preserved, shall count towards this requirement. The Approving Authority may approve a lot with fewer than the minimum required number of trees if it finds that:
  - (1) The lot does not contain sufficient unencumbered area to provide a planting area consistent with best industry practices established by the International Society of Arboriculture for each required tree;
  - (2) For each required tree that is not provided on the lot, two replacement trees are provided on a common area or other lot within the proposed subdivision; and
  - (3) Reduction of the required trees on the lot and provision of the replacement trees will provide equal or greater aesthetic value to the subdivision and are compatible with the character of the surrounding neighborhood.
- (c) *Planting requirements.* The species, location, and method of planting of trees required by Sec. 25.12.5.8(b) must be consistent with a landscaping detail submitted by the applicant and approved by the designated staff member. The landscaping detail must demonstrate the following:
  - (1) Each lot shall provide a minimum planting area for each required tree consistent with best industry practices established by the International Society of Arboriculture;

- (2) The planting area shall not be encumbered by utilities or easements;
  - (3) Trees shall be planted in locations and configurations following proper planting practices. When feasible, trees should be located within the public viewshed;
  - (4) Each lot shall be supplemented with shrub plantings, to be approved by the designated staff;
  - (5) All new plantings shall be native species; and
  - (6) For lots within an existing residential neighborhood, or lots that are adjacent to or confronting properties with existing dwellings, trees should be planted in locations and configurations compatible with the location and configuration of existing trees within the residential neighborhood or adjacent or confronting properties, as applicable.
- (d) *Additional tree planting.* Tree planting must be done in accordance with the provisions of Chapter 10.5. Trees planted pursuant to this Section are in addition to trees planted in fulfillment of the requirements in Chapter 10.5 or as otherwise required by this Chapter.

#### **Sec. 25.12.5.9. Monuments.**

- (a) Two stone or concrete reference monuments of a size and type approved by the City Manager must be set within each block or portion thereof and the location of each must be established on the record plat.
- (b) Metal monuments of a size and type approved by the City Manager must be located in the ground at all intersections of streets and alleys with plat boundary lines where there is a change in direction or curvature.
- (c) All monuments must be clearly visible upon the completion of all improvements and must be flush with the ground.

#### **Sec. 25.12.5.10. Burial sites.**

- (a) Subdivision of any site that includes a burial site must provide for an easement, approved by the City Attorney, that ensures entry to and exit from the burial site by an individual related by blood or marriage or a person in interest, as defined in Sec. 14-121 of the Real Property Article of the Maryland Annotated Code.

### **Division 12.6. Performance Guarantees**

#### **Sec. 25.12.6.1. Performance bond.**

- (a) Before recordation of a record plat, an applicant must deliver to the City a performance bond issued by a surety company authorized to do business in Maryland and satisfactory to the City Manager and the City Attorney in such amount as is estimated by the City Manager to be the total cost of the construction and installation of the public facilities required by the subdivision. The bond must run to the City and be conditioned as follows:
  - (1) That the applicant and the applicant's agents and assigns will faithfully complete the construction and installation of the required public facilities within three months after

substantial completion of any building or structure which the facilities are designed to serve, or within two years of the date of approval of the record plat;

- (2) That the applicant and the applicant's agents and assigns will comply with all applicable ordinances and requirements of the City; and
- (3) That the applicant and the applicant's agents and assigns will save harmless the City from any expense incurred through the failure of the applicant and the applicant's agents and assigns to complete the required public facilities, or from any damages growing out of the negligence of the applicant and the applicant's agents or assigns.
- (4) That the applicant and the applicant's agents and assigns will forfeit any and all portions of its bond or other securities to satisfy unpaid fines or penalties owed for violations of this Chapter and to reimburse costs incurred by the City to correct violations if reasonable efforts to correct the violation or to remit the fine have not been undertaken.

#### **Sec. 25.12.6.2. Alternative to bond.**

- (a) In lieu of a performance bond, the applicant may deliver to the City cash, a certified check, or other security satisfactory to the City Manager and the City Attorney, in such amount as is estimated by the City Manager to be the total cost of the construction and installation of the required public facilities. The cash, certified check, or other security will be accepted at the sole discretion of the City Manager or the City Manager's designee and under the terms and conditions set forth in Sec. 25.12.6.1.

#### **Sec. 25.12.6.3. Release of bond.**

- (a) All applicants and their agents and assigns must comply with all applicable ordinances and regulations of the City and remain liable for all public facilities until they are accepted for maintenance by the City. After completion and final inspection of the public facilities, the City Manager must either accept the facilities upon finding that the construction of the facilities has complied with all applicable ordinances and regulations, and release the bond or other security, or reject the facilities or any unsatisfactory part by written notification to the applicant. The written notification must specify the reasons for such rejection by reference to the particular ordinance or regulation which has been violated and allow a reasonable time, to be specified therein, for the applicant to comply. If the applicant does not, within the time specified, complete the construction according to the provisions of the applicable ordinance or regulation then the City Manager may proceed to do whatever is necessary to cause the construction to comply with the ordinance or regulation and the applicant is liable for any expenses incurred by the City. Any acceptance of the facilities by the City Manager must be on behalf of the City by written order, fully identifying the facilities.

#### **Sec. 25.12.6.4. Effect of bond.**

- (a) No bond or other security delivered under the provisions of this Division is deemed to relieve the applicant or the applicant's agents or assigns from full compliance with all other

applicable ordinances of the City, including but not limited to the security requirements of Chapter 21. Delivery of security under the provisions of Chapter 21, does, however, to the extent of the facilities guaranteed thereby, entitle an applicant to an exemption from the requirements of this Division.

## **Division 12.7. Waivers**

### **Sec. 25.12.7.1. Waivers.**

- (a) *Application.* Where an applicant desires a waiver from any provision of Division 12.5 of this Article, an application must be submitted to the Planning Commission with a statement of reasons for such request and such information as may reasonably be required by the Planning Commission or Division 12.5 of this Article.
- (b) *Exceptions.* Waivers are not permitted to the following sections:
  - (1) Sec. 25.12.5.3;
  - (2) Sec. 25.12.5.5;
  - (3) Sec. 25.12.5.7;
  - (4) Sec. 25.12.5.9; and
  - (5) Sec. 25.12.5.10.
- (c) *Findings.* The Planning Commission may grant a waiver from such requirement if it finds that the waiver will not be contrary to the intent and purpose of the Plan or this Chapter and undue hardship will result from strict compliance with the requirement.
- (d) *Conditions.* In granting waivers to the requirements of this Article, the Planning Commission may impose any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.7.1(c).

## **Article 13. Enforcement**

### **Division 13.1. Violations**

#### **Sec. 25.13.1.1. Responsible persons.**

- (a) The owner, developer, tenant, and occupant of a property are jointly and severally responsible for ensuring compliance with all applicable provisions of this Chapter.

#### **Sec. 25.13.1.2. Enforcement authority.**

- (a) The City Manager is responsible for the enforcement of the provisions of this Chapter.
- (b) The City Manager is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Chapter.

#### **Sec. 25.13.1.3. Violations.**

- (a) *Violations generally.* A violation of this Chapter will occur upon the failure to comply with:
  - (1) Any provision of this Chapter; or
  - (2) The terms or conditions of any permit, plan, or other approval granted pursuant to this Chapter.
- (b) *Municipal infraction.* A violation of this Chapter constitutes a municipal infraction for which a citation may be issued.
- (c) *Separate violations.* Each day a violation continues constitutes a separate and distinct violation for which separate enforcement action may be taken.
- (d) *Enforcement actions.* When there is reason to believe that a violation of this chapter has occurred, the City Manager may pursue one or more of the remedies set forth in this Article, subject to the notice provisions set forth in Sec. 25.13.1.4.

#### **Sec. 25.13.1.4. Notice of violation.**

- (a) The City Manager must issue a notice of violation in accordance with this Section before pursuing any remedies for violations of this Chapter in Division 2 of this Article, except where the City Manager determines that the violation warrants an immediate enforcement remedy.
- (b) If the City Manager has reason to believe that a violation of this Chapter has occurred, the City Manager must give notice to the owner of, and other persons responsible for, the property to which the suspected violation pertains. Notice must be provided in writing by first class mail as well as either personal delivery or posting of the property in a manner reasonably calculated to inform the responsible person of the alleged violations.
- (c) A notice of violation must contain the following information:
  - (1) The nature of the violation;

- (2) The location of the property where the violation is occurring or to which the violation pertains;
  - (3) The specific relief sought;
  - (4) The name and telephone number of the City employee to contact for additional information;
  - (5) An order that the violation be abated within a specified time frame; and
  - (6) The manner in which the responsible person may dispute the existence of a violation.
- (d) Upon a showing of good cause, the City Manager may grant additional time in which to abate a violation. The City Manager must establish procedures for the requesting and granting of additional time.
  - (e) If a violation is not abated within the time provided in the notice, the City Manager or designee may pursue any of those remedies authorized by Division 13.2 of this Article or elsewhere in the City Code.

## **Division 13.2. Enforcement Remedies**

### **Sec. 25.13.2.1. Municipal infraction citation.**

- (a) The City Manager or designee may issue a municipal infraction citation for each violation of this Chapter and impose applicable fines pursuant to Section 1-9 of Chapter 1 of the Code.

### **Sec. 25.13.2.2. Stop work order.**

- (a) When the condition or activity on a property is believed to be in violation of this Chapter, the City Manager may issue a written order requiring some or all development activity on the property to stop until specified corrective measures are taken to bring the property into compliance with the requirements of this Chapter.
- (b) Upon issuance of a stop work order, the City must provide the following information:
  - (1) The nature of the violation;
  - (2) The actions necessary to correct or abate the violation, or the conditions under which work may be resumed;
  - (3) The name and telephone number of the City employee to contact for additional information; and
  - (4) The manner in which the existence of a violation may be disputed.
- (c) The stop work order must be served upon:
  - (1) The site supervisor of the property on which work is being performed by:
    - A. Personal delivery; or
    - B. Posting the property in a manner reasonably calculated to give notice to the person responsible for the property and persons working on the property; and

- (2) The responsible person for the property in the same manner as a notice of violation is served pursuant to Sec. 25.13.1.4(b) and (c).
- (d) Upon service of a stop work order, the activity cited must cease immediately.
- (e) Any person who performs, or allows the performance of, an activity on a property in violation of a stop work order is guilty of a separate and distinct violation of this Chapter for which the City Manager may issue a municipal infraction citation.

#### **Sec. 25.13.2.3. Suspension and revocation of development approvals.**

- (a) Upon a determination that a responsible person for a property has failed to abate a violation or has violated a stop work order, written notice may be sent directing the responsible person to appear before the applicable Approving Authority and show cause as to why the development approvals for the property to which the violation pertains should not be suspended or revoked.
- (b) The show cause order and notice of the show cause hearing must be served upon the responsible persons in the same manner as a notice of violation is served pursuant to Sec. 25.13.1.4(b) and (c). Notice of the show cause hearing must also be given in accordance with the provisions of Sec. 25.3.3.3.
- (c) A decision on the suspension or revocation of a development approval under this Section must be rendered by the Approving Authority in the same manner that it renders other decisions.
- (d) If a development approval is revoked pursuant to this Section, any structure, improvement, or use of the property constructed or implemented pursuant to the revoked development approval is not entitled to the benefit of any provision of Article 9.

#### **Sec. 25.13.2.4. Withholding other development approvals.**

- (a) When a court of law has found a property to be in violation of any provision of this Chapter or a fine imposed by a municipal infraction citation has not been paid, an Approving Authority may defer action on any pending application for a development approval related to the same property or development project until the violation is abated or corrected.

#### **Sec. 25.13.2.5. Additional remedies.**

- (a) In addition to any other enforcement actions, the City at any time has the right to seek injunctive relief or any other appropriate legal or equitable remedy to prevent, enjoin, abate, or remove a violation of this Chapter.

#### **Sec. 25.13.2.6. Remedies cumulative, not alternative.**

- (a) The remedies available to the City under this Division are cumulative and not alternative. The decision to pursue one remedy does not preclude the pursuit of any other remedy.
- (b) The remedies available to the City under this Division are not exclusive. The City may pursue additional remedies as needed.

- (c) The imposition of any remedy pursuant to this Division does not preclude any aggrieved person from exercising any legal remedy otherwise available to such person.

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