

ARTICLE 10

"B-1" BUSINESS DISTRICT SHOPPING CENTER

This District shall only be permitted where the parcel fronts along State Route 48 or State Route 725.
(Revised August 5, 2002)

SECTION 1 PRINCIPAL PERMITTED USES (Revised August 5, 2002)

Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair) completely within an enclosed building.

Eating and Drinking Establishments. Eating and drinking establishments with or without drive thru services that are commercial establishments engaged in furnishing meals or food on a fee basis. (see Note #1)

Personal Services. The provision of services generally involving the care of the person or personal effects.

Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.

Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.

Sexually-Oriented Businesses. (see Article 13)

Day Care Centers.

Institutional. Uses providing social, cultural and educational services.

Hotel/Motel.

Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)

Communication Centers. Uses for the transmission/reception of information by electronic means.

Government facilities. Uses owned or operated by federal, state or local government.

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

SECTION 2 ACCESSORY USES

The following are uses that will support the normal activities associated with the operation of a shopping center:

- A. Customary accessory uses.
- B. Fences and walls, as regulated by Article 13 of this Resolution.
- C. Signs as regulated by Article 16 of this Resolution.

SECTION 3

CONDITIONAL USES (Revised August 5, 2002)

The following uses and their customary accessory buildings, structures or uses, subject to the approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service Stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Other Commercial – Other commercial or retail uses that are conducted completely within an enclosed building not otherwise classified.

SECTION 4

DEVELOPMENT STANDARDS

No building or structure shall be created or structurally altered except in accordance with the following regulations: (Revised June 21, 1999)

- A. Minimum Aggregate Site Area - Five (5) acres. (In the case of this zone, more than one principal building or structure, as defined herein, may be permitted to be constructed within the minimum building site area.) (Revised June 21, 1999)
- B. Minimum Yard Requirements - Fifty (50) feet for each front, side (on each side of the building site) and rear yards.
- C. No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

SECTION 5

REQUIRED CONDITIONS

No zoning certificate shall be issued for a "B-1" use, until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity will be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, food, beverages or make sales to customers in automobiles, except for Drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. All business shall be retail or service. Wholesale establishments shall not be permitted. (Revised June 21, 1999)

- D. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.
- G. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- I. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property, to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- K. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- L. Landscape Buffer Strip as per General Regulations, Article 13.
- M. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- N. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- O. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area of the proposed shopping

center and shall take into consideration good shopping design (i.e., internal and external good pedestrian and vehicle access) and functional relationship of uses within the shopping center and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)

- P. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- Q. Minimum distance between two buildings shall be as follows - (Revised June 21, 1999)

| <u>Combined Sq. Ft.</u> | <u>Distance</u> |
|-------------------------|-----------------|
| 0 - 24,999 | n/a |
| 25,000 - 49,999 | 25 ft. |
| 50,000 - 74,999 | 50 ft. |
| 75,000 - 100,000 | 75 ft. |

- R. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- S. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- T. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- U. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- V. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

"B-2" BUSINESS DISTRICT

SECTION 6

PRINCIPAL PERMITTED USES (Revised August 5, 2002)

Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair).

Eating and Drinking Establishments. Eating and drinking establishments with or without drive thru services that are commercial establishments engaged in furnishing meals or food on a fee basis. (see Note #1) (Revised December 2, 2002)

Personal Services. The provision of services generally involving the care of the person or personal effects.

Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.

Veterinary Offices. Offices or day cares providing for the care of animals (no boarding permitted), including medical services.

Day Care Centers.

Institutional. Uses providing social, cultural, entertainment and educational services.

Entertainment. Uses providing special services and activities to the community for entertaining purposes. (see Note #1)

Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.

Government facilities. Uses owned or operated by federal, state or local government.

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

SECTION 7

ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.
- B. Fences and walls as regulated by Article 13 of this Resolution.
- C. Signs as regulated by Article 16 of this Resolution.
- D. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work. (Revised June 21, 1999)

SECTION 8

CONDITIONAL USE (Revised August 5, 2002)

The following uses and their customary accessory buildings, structures or uses, subject to approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service Stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Storage Facilities (Store & Lock).

SECTION 9

DEVELOPMENT STANDARDS

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-2" Business District.

A. HEIGHT REGULATIONS

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed:

| <u>Lot Area</u> | <u>Lot Frontage</u> | <u>Front Yard Depth</u> |
|-----------------|---------------------|-------------------------|
| None | None | 60 ft. |

- 1. Side Yard:
None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. When a side lot adjoins a lot in an "R" District then equal to the required depth of the rear yard in said adjoining "R" District or four (4) foot of yard for each one (1) foot of building height, which ever is greater. (January 8, 2001)
- 2. Rear Yard:
None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. When rear lot line adjoins a lot in an "R" District then equal to the required depth of rear yard in said adjoining "R" District or four (4) foot of yard for each one (1) foot of building height, which ever is greater. (Revised January 8, 2001)

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

SECTION 10

REQUIRED CONDITIONS

No zoning certificate shall be issued for a "B-2" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity shall be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, services, food, beverages or make sales to customers in automobiles, except for Drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. All business shall be retail or service. Wholesale establishments shall not be permitted. (Revised June 21, 1999)
- D. No manufacturing, processing, packaging, repair or treatment of goods, shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.
- G. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- H. Landscape Buffer Strip as per General Regulations, Article 13.
- I. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- J. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- K. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development

plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)

- L. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- M. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property, to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- N. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- O. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- P. The number of employees working within a dry cleaners at any one time shall not exceed a total of ten (10). (Revised June 21, 1999)
- Q. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- R. Minimum distance between two buildings shall be as follows - (Revised June 21, 1999)

| <u>Combined Sq. Ft.</u> | <u>Distance</u> |
|-------------------------|-----------------|
| 0 - 24,999 | n/a |
| 25,000 - 49,999 | 25 ft. |
| 50,000 - 74,999 | 50 ft. |
| 75,000 - 100,000 | 75 ft. |

- S. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- T. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)

- U. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- V. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- W. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

"B-3" BUSINESS DISTRICT

SECTION 11

PRINCIPAL PERMITTED USES (Revised August 5, 2002)

Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair).

Eating and Drinking Establishments. Eating and drinking establishments not utilizing drive thru services that are commercial establishments engaged in furnishing meals or food on a fee basis. (see Note #1)

Personal Services. The provision of services generally involving the care of the person or personal effects.

Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.

Veterinary Offices. Offices or day cares providing for the care of animals (no boarding permitted), including medical services.

Child Daycare Centers.

Institutional. Uses providing social, cultural, entertainment and educational services.

Entertainment. Uses providing special services and activities to the community for entertaining purposes. (see Note #1)

Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.

Hotel/ Motel.

Government facilities. Uses owned or operated by federal, state or local government.

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

SECTION 12

ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.
- B. Fences and walls as regulated by Article 13 of this Resolution.
- C. Signs as regulated by Article 16 of this Resolution.
- D. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work. (Revised June 21,

1999)

SECTION 13

CONDITIONAL USE (Revised August 5, 2002)

The following uses and their customary accessory buildings, structures or uses, subject to approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)

SECTION 14

DEVELOPMENT STANDARDS

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-3" Business District.

A. HEIGHT REGULATIONS

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed.

| <u>Lot Area</u> | <u>Lot Frontage</u> | <u>Front Yard Depth</u> |
|-----------------|---------------------|-------------------------|
| None | None | 60 ft. |

- 1. Side Yard:
None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. When a side lot line adjoins a lot in an "R" District then equal to the required depth of the rear yard in said adjoining "R" District. (Revised January 8, 2001)

- 2. Rear Yard:
None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. When rear lot line adjoins a lot in an "R" District then equal to the required depth of rear yard in said adjoining "R" District. (Revised January 8, 2001)

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

SECTION 15

REQUIRED CONDITIONS

No zoning certificate shall be issued for a "B-3" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that

the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity will be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, services, food, beverages or make sales to customers in automobiles, except for drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. No manufacturing, processing, packaging, repair or treatment of goods, shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- E. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted. (Revised August 5, 2002)
- G. Landscape Buffer Strip as per General Regulations, Article 13.
- H. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- J. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- K. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- L. No emission of toxic or noxious matter, which is injurious to human

health, comfort or enjoyment of life and property to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

- M. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- N. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- O. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- P. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- Q. Minimum distance between two buildings shall be as follows - (Revised June 21, 1999)

| <u>Combined Sq. Ft.</u> | <u>Distance</u> |
|-------------------------|-----------------|
| 0 - 24,999 | n/a |
| 25,000 - 49,999 | 25 ft. |
| 50,000 - 74,999 | 50 ft. |
| 75,000 - 100,000 | 75 ft. |

- R. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- S. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- T. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- U. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent building, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- V. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

"B-4" BUSINESS DISTRICT

SECTION 16

PRINCIPAL PERMITTED USES

- A. All activity except display and sales shall be conducted entirely within an enclosed structure. (Revised August 5, 2002)
 - 1. Agricultural implement sales and service.
 - 2. Automobiles and truck sales, new and used (elevated stands used for the display of an automobile or truck shall be prohibited).
 - 3. Boat and marine equipment sales, rental and service.
 - 4. Eating places (drive-in).
 - 5. Garden stores, garden centers, greenhouses and nurseries.
 - 6. Motorcycle sales and service.
 - 7. Utility trailer sales and rentals.
- B. Outdoor recreation (non-enclosed places of recreation or amusement not heretofore appearing as a permitted use).
- C. Government facilities. Uses owned or operated by federal, state or local government. . (Revised August 5, 2002)

SECTION 17

ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.
- B. Fences and walls as regulated by Article 13 of this Resolution.
- C. Signs as regulated by Article 16 of this Resolution.
- D. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work. (Revised June 21, 1999)

SECTION 18

DEVELOPMENT STANDARDS (Revised June 21, 1999)

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-4" Business District.

A. HEIGHT REGULATIONS

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed:

| <u>Lot Area</u> | <u>Lot Frontage</u> | <u>Front Yard Depth</u> |
|-----------------|---------------------|-------------------------|
| None | None | 60 ft. |

1. Side Yard:
None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. Two hundred (200) feet when the side lot line adjoins a lot in a residential district or use. (Revised January 8, 2001)
2. Rear Yard:
None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. Two hundred (200) feet when the rear lot line adjoins a lot in a residential district or use. (Revised January 8, 2001)

The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

SECTION 19

REQUIRED CONDITIONS

No zoning certificate shall be issued for a "B-4" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. Drive-in windows for pick-up or delivery shall be located on and accessible only from the premises and shall be provided with adequate driveway space for waiting vehicles.
- B. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- D. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- E. Landscape Buffer Strip as per General Regulations, Article 13.
- F. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.

- G. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- H. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- I. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- J. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property to animal or plant shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- K. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- L. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- M. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- N. Minimum distance between two buildings shall be as follows - (Revised June 21, 1999)

| <u>Combined Sq. Ft.</u> | <u>Distance</u> |
|-------------------------|-----------------|
| 0 - 24,999 | n/a |
| 25,000 - 49,999 | 25 ft. |
| 50,000 - 74,999 | 50 ft. |
| 75,000 - 100,000 | 75 ft. |

- O. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)

- P. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- Q. Dumpsters and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- R. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- S. Earth tone base and accent colors shall be used. (Revised June 21, 1999)