ORDINANCE NO. 12 , 2008

AN ORDINANCE ADOPTING MODIFICATIONS TO THE LIMITED BUSINESS DISTRICT REGULATIONS

WHEREAS, in October 2006, the City received a planning report from McBride Dale/Clarion entitled *Montgomery Road Interim Development Control Planning Study* identifying planning needs in the area along the east side of Montgomery from Marketplace Lane to the City of Montgomery Safety Center; and

WHEREAS, the City did authorize a more comprehensive planning study from McBride Dale Clarion, which study was completed in April 2008 entitled *Marketplace Area Study*, which recommended the existing Limited Business District Standard in Chapters 151.12, 151.32 and 151.34 be updated; and

WHEREAS, the Planning Commission did accept the *Marketplace Area Study* and after a comprehensive review with staff, the consultants, and interested property owners in the area, the Planning Commission recommended adoption of the modifications to the Limited Business regulations, Off-Street Parking and Loading regulations, and the Landscaping and Screening regulations incorporated in the attached regulations to be codified in Chapters 151.12, 151.32 and 151.34 of the Montgomery Zoning Code; and

WHEREAS, Council did hold a public hearing upon this recommendation on July 2, 2008, after appropriate public notice was provided prior to the hearing; and

WHEREAS, as a result of such hearing, Council does desire to implement the recommended changes based upon the *Marketplace Area Study*.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Council hereby accepts the *Marketplace Area Study* prepared by McBride Dale/Clarion dated April 7, 2008, a copy of which is attached hereto and identified as Schedule "A".

SECTION 2. Based upon this comprehensive study completed by McBride Dale/Clarion, Council does hereby adopt modifications to the Limited Business regulations, Off-Street Parking and Loading regulations, and the Landscaping and Screening regulations attached hereto as Schedule "B" and incorporated in their entirety by reference as if fully rewritten herein.

SECTION 3. It is intended that each section of this ordinance shall be separate and severable from any other section of Chapters 151.12, 151.32 and 151.34. As a result, if any portion of this ordinance shall be determined to be unconstitutional, or otherwise unenforceable, then that unconstitutional or unenforceable section shall be stricken and the remainder of this ordinance and Chapters 151.12, 151.32 and 151.34 shall remain in effect separate and severable from other sections.

SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: September 3, 2008

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

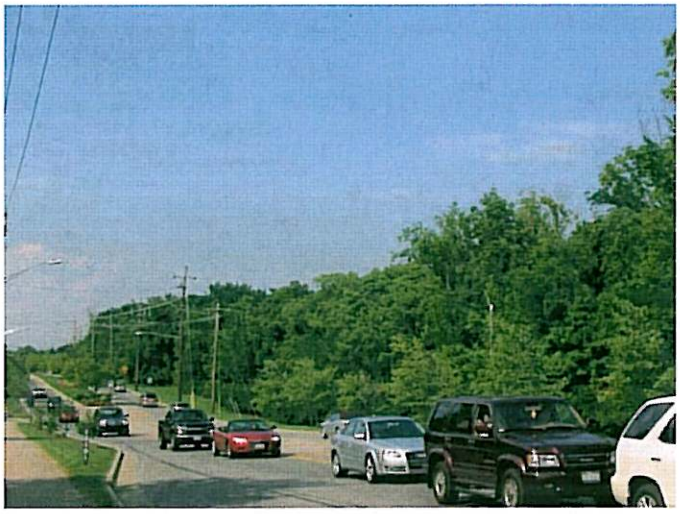
Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon, Law Director

Schedule "A"

Marketplace Area Study

Prepared for the
City of Montgomery, Ohio



Prepared by:

McBride DALE CLARION

Recommended by Planning Commission:
April 7, 2008

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Introduction

In 2006, the Montgomery City Council voted to place an area on the east side of Montgomery Road from Marketplace Lane north to Hopewell Road under interim development controls to allow for the completion of a land use study and plan.

In the past several years the City has experienced significant pressure for redevelopment and development especially along the Montgomery Road Corridor. The City completed and adopted the 2006 Strategic Plan and the 2007 Comprehensive Plan and with them the vision for the City's future. City staff and McBride Dale Clarion (MDC) believe that this land is unique along Montgomery Road and requires a detailed analysis and assessment to determine if there are other regulatory tools the City could use to promote positive development and redevelopment in this area.

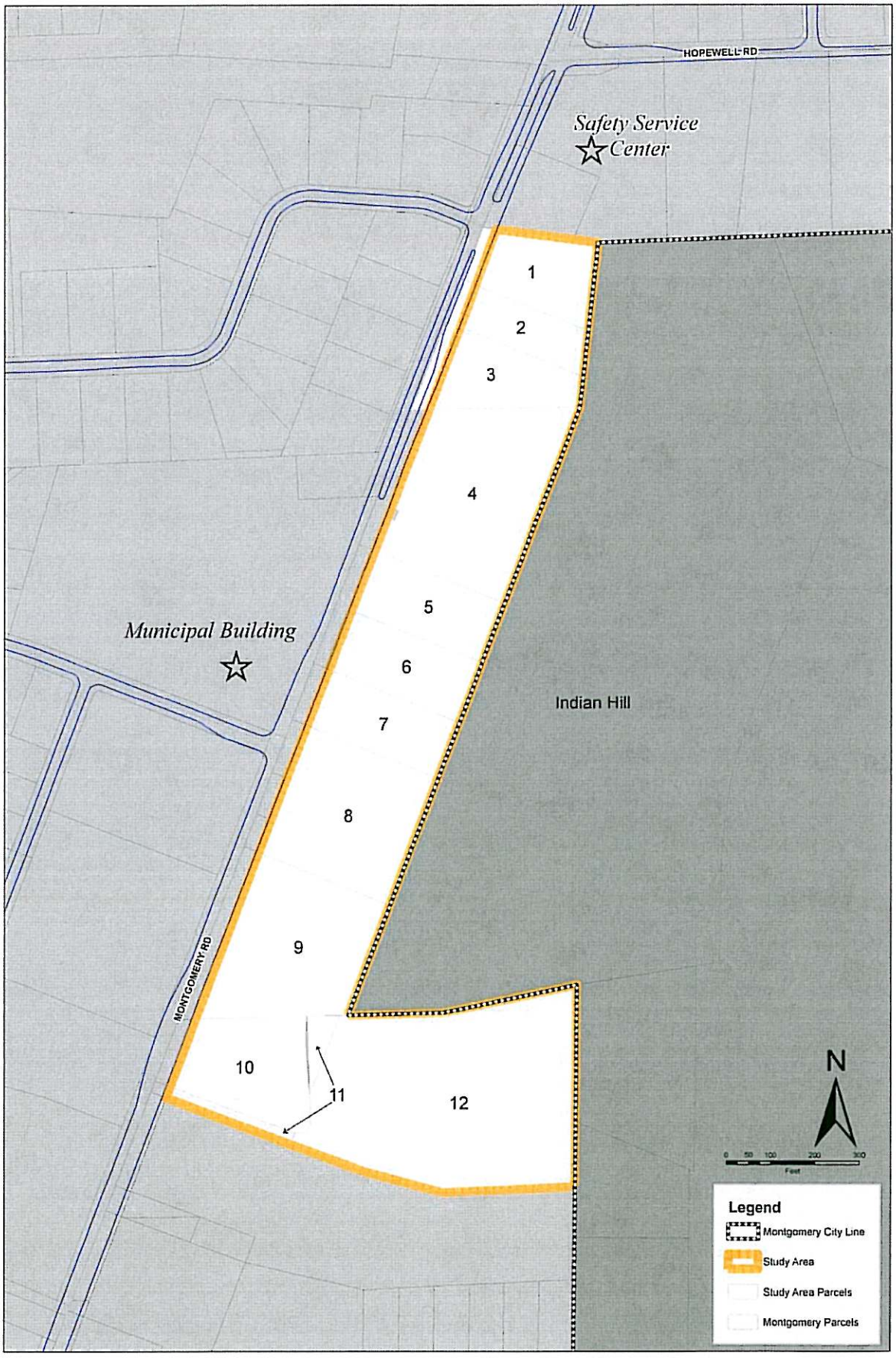
This study examines the existing conditions surrounding the study area, and based on the findings of the physical analysis and the prevailing trends, the key issues are identified. Three land use alternatives are presented and assessed for their positive and negative impacts. The final recommendation includes the preferred alternative and the method necessary to implement the recommendations including possible modifications to zoning.

The Study Area

The proposed study area includes twelve (12) parcels and approximately twenty (20) acres of land located on the east side of Montgomery Road between Marketplace Lane (to the south) and the City's Safety Center (to the north). This area lies at a critical transition point between the higher intensity commercial/retail uses of the Montgomery Road Corridor and some of the City's lowest density residential. The study area is also located at the City's border with the Village of Indian Hill.

For analysis and recommendations the study area has been divided into two subareas. ***Subarea A*** includes the seven (7) northern parcels and is currently undeveloped. ***Subarea B*** includes the five (5) southern parcels, which are currently developed with commercial/retail uses.

Study Area


HOPEWELL RD
Safety Service Center
Municipal Building
Indian Hill
MONTGOMERY RD
1
2
3
4
5
6
7
8
9
10
11
12
N
Legend
Montgomery City Line
Study Area
Study Area Parcels
Montgomery Parcels

Background

Overview

The study area is located near the northern edge of the City of Montgomery's commercial corridor at a transition point between higher intensity commercial uses and lower intensity residential uses. However, with high traffic volumes on Montgomery Road and its status as a principle urban arterial route in the region, some residential uses along the corridor are experiencing pressure from the private sector to convert to non-residential uses. For example, the private sector has expressed some interest in using residential structures further north in the corridor for daycares and professional offices. Many of the homes with frontage on the east side of Montgomery Road are already rentals. This kind of activity is often an indicator that there is pressure to begin converting uses along the corridor.

Because of Montgomery Road's prominence as a principle arterial in the region, the Montgomery Road Corridor remains a significant location for commercial/retail uses both at a local and regional scale. Commercial/retail uses and the buildings associated with them are significantly affected by fluctuations in the local and regional market over time. Desirable and functional building and site configurations in today's market may be obsolete in ten to twenty years. Following this trend, the City of Montgomery has experienced a significant amount of redevelopment along Montgomery Road in the last several years. The following businesses were involved in corridor redevelopment: Audi, Chevy, Carlo and Johnny, Steak & Shake, Twin Lakes, and Sycamore Community Schools-Montgomery Elementary. The City has also recently implemented updated design guidelines.

Existing businesses, including WesBanco, Star One Realty, and Cottage Savings Bank, have updated their buildings and the newer businesses coming to the corridor are changing the appearance of the corridor to meet current commercial market demands. With the City's reputation for high-quality residential neighborhoods and good regional access, it is feasible that this trend will continue to cycle with changes in the market. The Marketplace is one of the areas along the corridor that has not yet been updated and local development pressures indicate that redevelopment of this area is likely in the future.

At this point it is unclear if the "GB" zoning is appropriate to address the redevelopment of this area.

The study area's location along the corridor makes it a critical area of transition in land uses. The current undeveloped status of the northern parcels provides a good buffer between the commercial and residential uses. However, as development pressure in this area increases, the City must identify an appropriate use and development form for these parcels. At this point it is unclear if the "D-2" and "D-3" multi-family zoning districts are adequate to achieve this transition. While it is clear that a more intense use is not appropriate in such close proximity to single-family residential, it is not clear that the development standards associated with the "D-2" and "D-3" districts are adequate to address either the desired quality of development or the buffering of these uses in such an important transition in the City.

Additionally, the land in Subarea B is currently zoned "GB" general business, and because this land is located at the end of the commercial corridor it is necessary to look at ways to gradually transition from the highest intensity commercial uses to a more residentially friendly mix of commercial/retail uses. We believe the existing uses in the Marketplace are appropriate for their location within the City. The concern lies in redevelopment of this area with uses that would be less compatible with adjacent residential development.

The following report includes an overview of the existing conditions within the study area, the key issues, and a series of goals for the area. These goals are followed by recommendations for changes to zoning and design guidelines for the study area to ensure the quality and character of the City are maintained and to protect the safety, health and welfare of the people of Montgomery.

Ownership Pattern

The twelve parcels in the study area are owned by eight different entities. The parcel number and owner's last name are shown below. The ID number corresponds to the ID on the **Study Area Map**.

Parcels and Owners

ID	Parcel ID Number	Owner
1	603-0008-0302	Twin Lakes (formerly Boymel)
2	603-0008-0008	Twin Lakes (formerly Boymel)
3	603-0008-0303	Twin Lakes (formerly Boymel)
4	603-0008-0227	LE Steele Properties LLC
5	603-0008-0283	A. Lanier
6	603-0008-0287	J & M Lanier
7	603-0008-0295	A. Lanier
8	603-0008-0223	Jest Investments
9	603-0008-0504	School House Plaza
10	603-0008-0350	Western Southern Life
11	603-0008-0280	H & M Cheng
12	603-0008-0279	H & M Cheng

Structure Age

The structures in Subarea B vary in age. Clossons was completed in 1997 and is the newest structure in the Subarea; School House Plaza was completed in 1991 and is now seventeen years old. The Fifth Third Bank building was constructed in 1973 and has been modified over time. The Marketplace structures were completed in 1976.

Building Size

The existing structures in the study area range in size from the smallest—being part of the Marketplace—at 2,700 square feet to the largest—the Schoolhouse Plaza—at 29,300 square feet.

Finished Square Feet

ID	Use	Size	Total Sq. Ft.
8	Retail Store	16,806 SF	
	Storage Warehouse	1,659 SF	18,465 SF
9	Neighborhood Shopping Center	29,297 SF	29,297 SF
10	Bank	3,259 SF	
	Office Space	3,214 SF	6,473 SF
12	Retail Store	20,648 SF	
	Office Building	1,574 SF	
	Restaurant	12,177 SF	34,399 SF

Source: Hamilton County Auditor. 2007.

The building floor area recorded for parcel 12 is from the Hamilton County Auditor, however City records from 1992 show the total area as 43, 364.

Existing Land Use

The existing land use pattern has an impact on the recommendations for future use of the land in the study area. The following is a summary of the land use of the general area, adjacent parcels and the study area itself.

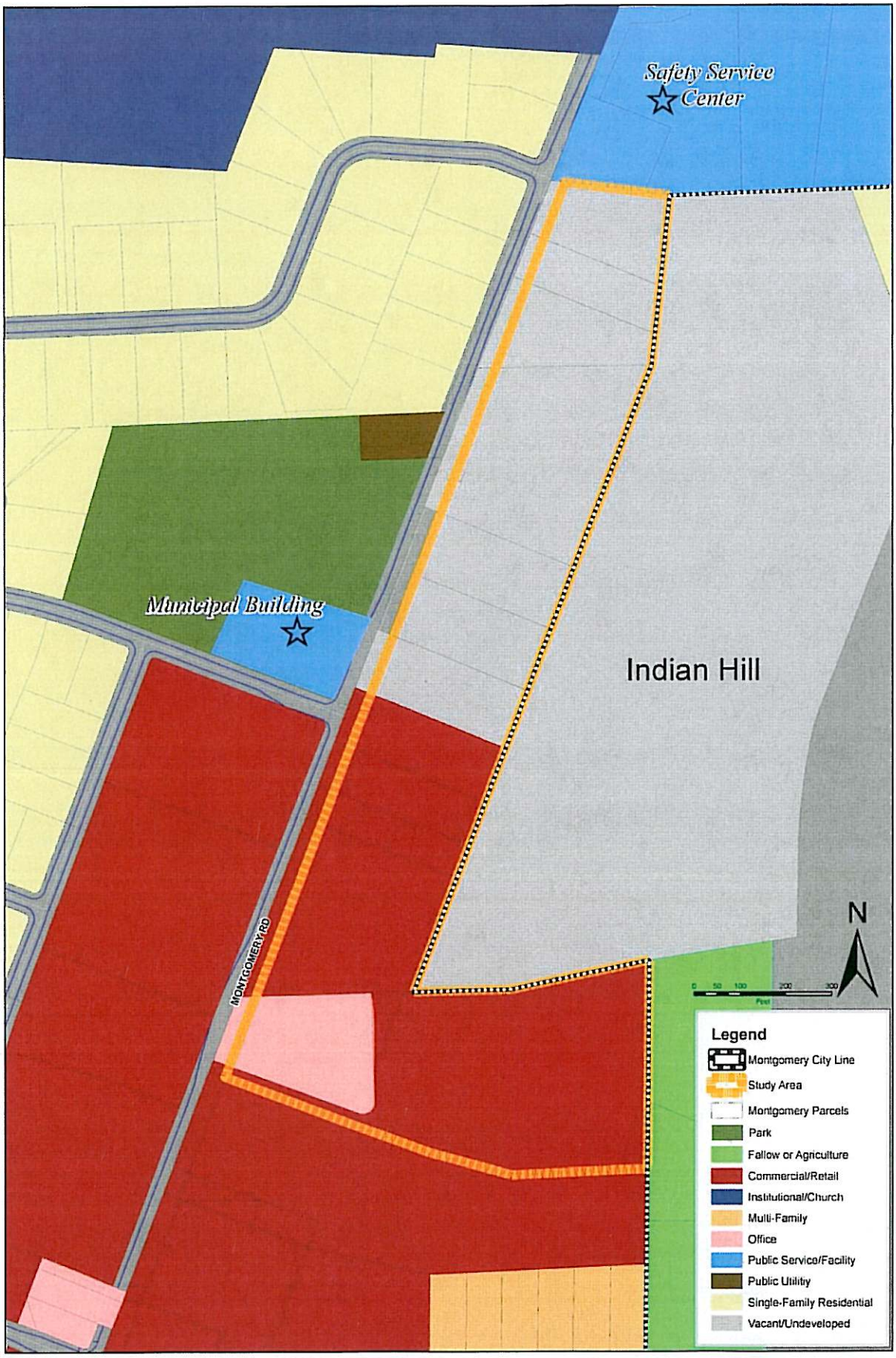
General Area

The City is best represented as an area of primarily single-family neighborhoods with the Montgomery Road Corridor as the location for the majority of commercial, office, and institutional uses and the downtown district with a mix of commercial uses surrounded by residential. Along with groceries, general retail, restaurants, furniture stores, and other specialty retail and services the Montgomery Road Corridor (particularly within the City) is the location of one of the regions largest concentrations of automotive dealerships.

According to the 2007 Comprehensive Plan Montgomery is home to a variety of commercial enterprises, including Ohio National Financial Services, Century Motors, Columbia Chevrolet, and Camargo Cadillac, and the City's largest employer is Bethesda North Hospital, a non-profit organization. In addition, the historic downtown is a thriving retail and dining area, including the nationally known Montgomery Inn Restaurant. However, only about 6.5% of the land in the City is used for office/retail purposes and the City has no land zoned for industry.

The study area begins in the north of the City's primary commercial area which is approximately 73 acres of "GB" zoned land and extends into undeveloped residential land beyond. The primary commercial area runs from just north of the Heritage District to Schoolhouse Road. In this stretch from Main Street north of the Heritage District to School House Lane there are six automotive dealerships. Auto dealerships account for approximately 19.9 acres of land in the corridor or about 27-percent of the total 73 acres of "GB" zoned land in the primary corridor. While the Montgomery Road Corridor is not the largest concentration of auto dealerships in the region, it is one of ten areas in the region with multiple dealerships. The land use for the study area and the adjacent parcels is shown on the **Existing Land Use Map**.

Existing Land Use



Adjacent Parcels

The land uses adjacent to the study area include the City's safety service center and recreation center to the north, vacant/undeveloped land in Indian Hill to the east, an auto dealership and Twin Lakes Senior Living to the south, general commercial/retail to the southwest, City Hall, Montgomery Park and a power substation to the west, and low-density single-family residential in the Forestglen subdivision to the northwest.

Subarea A

The land in Subarea A is currently forested and undeveloped.

Subarea B

Land use in Subarea B is a mix of retail and office uses including: specialty commercial retail, services, restaurants and bars, comedy club, and a bank.

Existing Zoning

The current zoning for the study area and the adjacent parcels is shown on the **Existing Zoning Map**.

Adjacent Parcels

The zoning of adjacent parcels includes "D-2" Multi-Family Residential to the north, Indian Hill 5 acre Estate Single-Family to the east, "GB" General Business to the south and southwest, and "A" Single-Family Residential to the northwest. The "GB" district is the City's most intense zoning district allowing for general commercial uses, and the "A" Residential District is the City's lowest intensity residential zone. All existing zoning districts are reflective of the current land uses in the adjacent parcels except the "D-2" to the north, which is not residential, directly adjacent to the study area, but is a civic use.

Subarea A

The northern four parcels of Subarea A are zoned "D-2" Multi-Family Residential and this has been carried forward in the current interim development controls. The southern three parcels in Subarea A are zoned "D-3" Multi-Family.

Subarea B

Subarea B is currently zoned "GB" General Business and is currently under the interim development controls with the "LB" Limited Business uses and densities with the addition of taverns, bars, and cocktail lounges as permitted uses. Parking, landscaping, lighting and signage regulations from the "LB" District are also applicable under the interim development controls. In addition to the densities imposed by the interim development controls, all of the land in the study area is subject to compliance with the City's *Montgomery Corridor Design Guidelines*.

Natural Features

Topography and Water Flow

The lowest point in the study area is located to the rear of parcel four (elevation 750 feet) where a natural ravine carries water away from Montgomery Road and northeast from the study area. The ravine connects via a culvert to the drainage from the rear of City Hall. The highest point in the study area is located to the rear of parcel ten (elevation 790 feet). The land slopes downward from the northern boundary of the study area away from Montgomery Road and toward the lowest point at the southwest corner of parcel four. From the lowest point southward the land slopes back up to an elevation in the 780's. Parcels 9, 10 and 11 have a fairly gentle upward slope toward the study area's southern boundary. The northwest portion of parcel 12 slopes downward toward a second ravine located outside of the study area in Indian Hill. There is a small, but steep ravine with a creek running between lots 9 and 10.

Tree Cover

The land in Subarea A is undeveloped with vegetative cover over most of the subarea. An assessment completed by the Montgomery Public Works Department in August of 2007 determined that the predominant ground cover is honey suckle, an invasive non-native species, covering nearly 100% of the area. There are a variety of mature trees, with an estimated 75% of them being ash. A significant number of the trees in Subarea A are located on the slopes along both sides of the creek.

Transportation & Access

Traffic studies completed by the City's engineering firm, CDS Associates, revealed that current traffic counts along Montgomery Road in the study area average 22,800 trips per day. Beginning at Schoolhouse Lane and traveling north to Hopewell Road, Montgomery Road has been reduced from four lanes to two with a landscape median. The narrowing of the road at this point often causes traffic backups during peak hours when there are problems on I-71 and/or I-75.

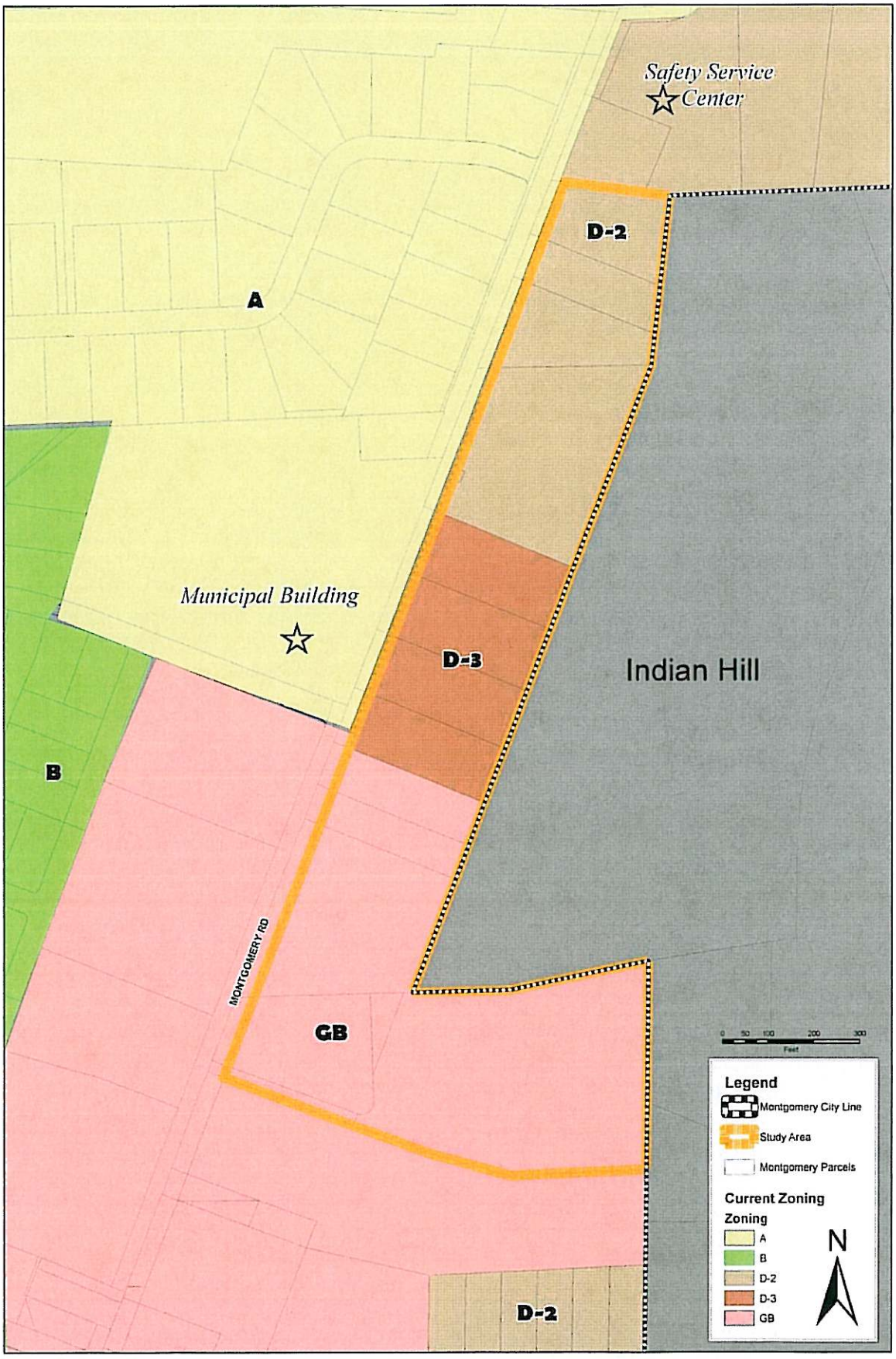
In their current undeveloped state, there are no curb cuts onto Montgomery Road from the parcels in Subarea A; however, in August 2007, City Council approved a full access point at the northern property line of parcel 1 for access to parcels 1-3. The approved access point is to be aligned with Forestglen Drive just to the north of the landscaped median. A portion of the access point will be located on an easement granted by the City on the Safety Center parcel to ensure proper geometry to create a four-way intersection.

The remainder of the parcels in Subarea A could be entitled to individual access to Montgomery Road. Although the existing landscaped median along the study area restricts full access for parcel 4. The City has enlisted the assistance of CDS Associates to prepare access alternatives for these parcels to attempt to lessen the impact of development on Montgomery Road and the traffic patterns on established roads.

Parcel 8, in Subarea B, has access via a private drive located opposite Schoolhouse Road and is controlled by a four way traffic signal.

Parcel 9 has full-unsignalized access to Montgomery Road along the northside of the lot. The drive is offset from an access point across the road for the Montgomery Square Shopping Plaza. Parcels 10 and 12 have full access to Montgomery Road via Marketplace Lane on a private easement on lot 11. This signalized access point is fully aligned with the central access point for the Montgomery Square Shopping Plaza.

Existing Zoning



Key Findings and Goals

The following summarizes the assessment and key findings of this study.

Significant Change

The study area includes one of the few remaining areas of undeveloped land both along the Montgomery Road Corridor and in the City. The wooded parcels across from Montgomery Park are surrounded by open land in Indian Hill and currently contribute to the appearance of a significant green area along the corridor. Development of this land will have a significant visual impact on the Montgomery Road corridor. Appropriate site design and buffering of development on these parcels will be vital to the acceptance by the community.

If existing residential zoning is maintained in Subarea A, feasible development will not cause a significant increase in traffic on Montgomery Road. The City estimates this undeveloped land could support approximately 30 single family detached residences or 44 low rise apartments under current zoning restrictions and the existing lot configuration and terrain. Either use would generate an average of 288 trips per day. If Twin Lakes gained control of the entirety of undeveloped land in this area, the count would be lower, as traffic estimates for senior adult housing (detached units) is only 3.71 trips per day per unit compared to the 9.57 trips per day per single-family detached unit, or 6.59 trips per day per low-rise apartment unit.[1] However, if the land was rezoned to allow for office use, the City anticipates Subarea A could support a minimum of 200,000 sq. ft. of additional professional office, which would add 2,384 trips per day".

If existing residential zoning is maintained in Subarea A, development will not cause a significant increase in traffic on Montgomery Road. However, without property access management, traffic safety could be affected by multiple misaligned curb cuts.

[1] Trip estimates provided by CDS Associates.

Proposed Development

Just prior to the adoption of the interim development controls an application for development of parcels 1-3 was submitted to the City for approval. The submission requested approval for 13 attached townhouse units with one full access point onto Montgomery Road at the northern line of Parcel 1 with a small easement on the City's Safety Service Center property. Both the Planning Commission and Council have approved the development application.

In reaction to the proposal for development of the northern parcels, a group of neighbors and other residents of the City organized an initiative petition for a ballot item to require the City to purchase the land for open space. The issue was on the ballot in November 2007; the issue failed. The approved development application is still valid. At this time Twin Lakes is investigating purchase of parcel 4, which could change their approved site layout. Potential modifications include building configurations and access points onto Montgomery Road.

Land Use & Zoning

Subarea A

The location, size and configuration of the parcels in *Subarea A* present a challenge when considering appropriate development options. While the zoning intensity and land use associated with the "D-2" zoning are consistent with the land's location in a transition from high to low intensity uses, the current parcel configuration and depth in Subarea A are challenging from a site design and overall City character perspective.

The feasibility of single family development was evaluated for the site and determined to be out of context and inappropriate for the following reasons:

- The site is relatively small and isolated from other single-family development in the City;
- The high traffic counts on Montgomery Road and the limitations to acquiring full access points for each lot because of the medians in this area, make this site less desirable for single-family detached homes which would require individual curb cuts;

- The topography and lot configuration (lot depth) is not conducive to individual lot development; and
- The proximity of the adjacent nonresidential uses is not conducive to single-family.

Upon consideration of surrounding land uses, access management, and the topographical and natural constraints of this site, we find that moderate density multi-family residential is an appropriate use for Subarea A. However, because of the unique site configuration and drainage on the site, the resulting development on these parcels will require creative site planning to ensure the residences are not adversely affected by the high traffic volumes on Montgomery Road and their proximity to commercial/retail uses. A consolidated approach to development of these parcels could be used to create a cluster design that situates structures away from Montgomery Road with significant buffering to protect the views at this point along the corridor and reduce the noise and light impacts on the new homes. Consolidated development with a cluster approach also allows for improved access options for this area.

The currently "D-2" zoned parcels should remain as such, because even if the approved development plan for this area is not carried out, the "D-2" zoning is still appropriate for this location in terms of intensity of development. The "D-3" zoning on parcels 5, 6 and 7 does not appear to be inconsistent with the location as a transition between "D-2" and commercial development. When the land to the east of the study area finally develops it will develop with detached single-family homes on large lots (5 acres or more) because the Village of Indian Hill does not permit other land uses.

Subarea B

Based on Hamilton County Auditor records, auto dealerships account for 27-percent of the "GB" zoned land north of Main Street. The City recently changed the zoning text, making auto dealerships a conditional use in the "GB" General Business District. Public sentiment has also made it clear that the City should focus more local services and retail commercial opportunities in the corridor. There is no additional land in the City that is recommended for commercial development and the City has not pursued an annexation policy, so it is unlikely that there will be additional land zoned for commercial/ retail uses. Therefore, the land currently zoned for such purposes should be used to its fullest advantage to provide services to the residents of Montgomery.

Subarea B sits at the northern edge of the City's commercial corridor, and as such, is in close proximity to existing homes and potential residential development. The character of the corridor changes significantly at Schoolhouse Lane just north of the Closson's property. For this reason it is important the City considers options to begin transitioning down the intensity of development in subarea B from some of the uses permitted in the "GB" district. Uses such as large format retail, auto dealerships, service stations, uses with outdoor storage and those that generate a great deal of noise, light, or service activities may interfere with the health, safety, and welfare of the residents of the City.

The current uses in Subarea B include specialty retail, personal services, restaurants, entertainment, and a bank. These uses are appropriate in this area and should be retained as their intensity provides for significant transition from the more intense uses to the south. These uses serve a local population and are of an appropriate intensity in this transitional portion of the corridor.

One of the key policies for the future in the City's comprehensive plan is to develop safe and convenient pedestrian access to business. While, the existing uses are compatible with pedestrian access because many of them are entertainment or restaurant related, there are no existing sidewalks in the study area. The restaurant, entertainment, and personal service uses also provide services to local residents and respond to a neighborhood scale in the required building area. Some of the other uses such as the specialty retail (interior design/furnishing stores) are a unique service that are as applicable to local residents as they are to a regional client base, but require large-scale structures. However, the lower traffic generation, modest operation hours, and limited delivery impact of these uses is not inconsistent with residential development.

Commercial land uses in a transitional zone near residential should be sensitive to the scale of residential development and have minimal operational impacts on residents. Factors such as building height, building footprint, site design, buffering, and building orientation can be employed to mitigate some impacts, but some types of uses have higher impacts than others. The current "GB"

General Business District allows for the full range of commercial uses permitted in the City without regard to scale. Additionally, the "GB" is the General Business District and does not truly account for transitional areas of the City.

The zoning standards of the "GB" districts regulate the size of buildings based on maximum building heights (45 feet or 3 stories) and required setbacks that in effect limit the size of the building based on the size of the lot on which they are built. Both of the City's multi-family districts (D-2 and D-3) have density requirements as well as a maximum number of units per building, and a maximum impervious surface coverage which all help to regulate the intensity and scale of development. However, the GB district does not have building size regulations beyond the required setbacks and height limits.

If a developer were to assemble a large enough land area a very large-scale structure (big-box) could be built in the GB district. A structure in excess of 30,000 square feet would be imposing to adjacent residential development. A district that regulates building area, height, and impervious surface would be more effective in producing an appropriate transition between residential buildings to the larger-format buildings in the corridor. In fact the current buildings in Subarea B, are of a scale (ranging from 3,000 to 30,000 square feet) and height that is compatible with multi-family developments. However, if redeveloped under current GB regulations larger structures would be possible creating potential conflicts with the adjacent residential developments.

The City would like to promote the retention and further development of commercial uses such as restaurants, specialty retail, personal services, entertainment, and professional offices and prevent the encroachment of high-intensity regional commercial uses like large format retail (big-box), general retail, and auto dealerships into residential areas. In addition to these large scale regional uses, the GB district also allows a variety of entertainment/recreation uses like large movie theater complexes, driving ranges, miniature golf courses, and garden centers, which all have larger scale parking or outdoor use areas that conflict with the adjoining residential properties.

As the current "GB" is not adequate to ensure the preservation of the existing and appropriate uses in a manner consistent with the policies of the Comprehensive Plan an assessment of the City's "LB" Limited Business district and alternative zoning designations will be explored in the alternatives that follow.

The Montgomery Road Corridor Design Guidelines are applicable in this area and should remain in effect to promote consistent site and building design along the corridor. However, either alone or in conjunction with the "GB" standards, the design guidelines are not adequate to address the land use and scale concerns identified in this study.

Access Management

CDS and Associates prepared an assessment of alternative access management techniques within the study area. The full report is attached as an appendix for reference. CDS defines access management as the regulated control of the location, spacing, design, and operation of driveways, median openings, and road connections to the public and private roadways.

The studies completed by CDS include 24-hour volume and turn counts along Montgomery Road from Pfeiffer Road to Marketplace Lane, U-Turn Analysis, access concepts, median expansion, and traffic counts at Schoolhouse Lane and at the Market Place/Kroger signalized access point. The objective of these studies was to evaluate the conditions along Montgomery Road to assess the opportunities to improve traffic flow and safety within the study area as redevelopment occurs. Options to consolidate access points in Subarea B, and for new access points in Sub Area A were both evaluated.

Prevailing policy in the City would allow one access point from each existing parcel if they were developed as currently plotted—potentially creating seven additional access points between Clossons and the safety service center. Consolidated development of the parcels in Subarea A presents an opportunity for consolidated access points to reduce the impact on traffic flow on Montgomery Road.

The configuration of buildings and lots combined with the lack of visibility for Parcel 12 in Subarea B indicates that coordinated redevelopment of Subarea B at some future point would be mutually beneficial to all users by opening visibility to Parcel 12 while at the same time modifying the access pattern of Parcels 9 and 10 to reduce access points onto Montgomery Road and improve traffic flow at this location.

Recent vacancies and turnover in tenants indicate that difficult access, combined with visibility limitations, may be affecting the economic health of Schoolhouse Plaza Shopping Center (Parcel 10). As of the date of this report, approximately 40% of the center is vacant.

The options for access in the two subareas are explained in the CDS report, and the recommended access management alternatives are included in the Recommendations section that follows.

Current Buffer Requirements

Current zoning regulations for the "GB" district require 45 foot setbacks for side and rear yards when the GB use is adjacent to a residential district or use, and Chapter 151.3407 requires landscaping and screening between business and residential uses. However, the buffering requirements are limited to those for screening of parking lots, access drives or loading and service areas. The required buffers should be designed to provide a dense visual screen to a height of six feet with solid screening between grade and three feet. This provision although thorough is not adequate to address the issues associated with redevelopment in the study area at a critical transition from business to residential.

Furthermore, there are no specific screening or buffering requirements for multi-family development that would allow for effective buffering of development in Subarea A, while preserving some of the natural character of this portion of the corridor.

Naturalistic or cultivated landscaping could be used to generally buffer between uses rather than just to screen parking and loading areas. Current regulations for the D-2 and D-3 districts do not require screening for multi-family homes.

Building Age & Commercial Trends

The newest of the commercial structures in the study area (Subarea B) is now ten years old. The others are between sixteen and thirty-three years old. Trends in commercial development especially in Montgomery indicate that redevelopment of these sites is likely within the next ten years. Without continued success of a destination use such as the comedy club, the restaurant uses in the Marketplace may find it difficult to capture the necessary "drive-by" clientele because of lack of visibility from Montgomery Road. As commercial trends continue to evolve, redevelopment of Subarea B will present opportunities to improve access and visibility for uses on Parcels 9, 10, 11, and 12.

Assessment Summary

The City's vision for the study area is for it to serve as a high-quality transition between the more intense uses of the commercial segments of the corridor and the lower intensity residential uses to the north. MDC finds that detailed site configurations and access management recommendations are necessary to ensure this area functions as a successful transition as it develops--both supporting the high-quality and desirability of Montgomery, and mitigating possible negative impacts on existing development and Montgomery Road traffic. It is also important that the uses in Subarea B not be intensified beyond current levels. If and when redevelopment occurs, the current types and scale of uses should be retained rather than replaced with other more intense uses that would be permitted in the "GB"-General Business District. The recommendations are presented in the following section and describe preferred land uses and access configurations, and propose modifications to zoning regulations to implement the recommendations.

Goals

The following goals will guide the development of the preferred alternative for the study area.

The City will:

1. *Allow reasonable economic use of the land.*
2. *Manage the intensity of development in the study area.*
3. *Provide a transition in uses and building scale from the more intense commercial corridor to the south to the less intensely developed residential areas to the north.*
4. *Promote the continuation of uses which are similar in type and intensity to the existing land uses in Subarea B for the southern non-wooded portion of the study area.*
5. *Identify land uses that can be integrated into the high-traffic Montgomery Road Corridor without unduly increasing the traffic.*
6. *Provide access management strategies.*
7. *Promote shared access and consolidated access points.*
8. *Promote high-quality site design.*
9. *Buffer the appearance of development in Subarea A from Montgomery Road.*
10. *Encourage pedestrian oriented businesses.*
11. *Promote sustainable development.*
12. *Maintain and enhance pedestrian-scale and pedestrian friendly features.*

Recommendations

Land Use & Zoning

Subarea A

MDC recommends maintaining the "D-2" and "D-3" Multi-family residential zoning on parcels 1-7. The established district regulations are adequate to achieve the appropriate intensity of development on these parcels to transition between the higher intensity commercial development to the south and the single-family residential to the north.

- The existing land uses permitted and conditionally permitted in the "D-2" and "D-3" district are appropriate for this subarea.
- Although the minimum front yard setback established for the "D-2" and "D-3" districts is 50 feet, buildings in this area are strongly encouraged to be set as close to the east property lines as is feasible to retain as much of the existing natural landscape between Montgomery Road and proposed buildings. Preserved trees should be used to provide screening to the residence from Montgomery Road. Where existing vegetation is composed mainly of honeysuckle and a limited number of shade trees, new landscaping and screening should be installed.
- MDC recommends using the City's Equivalency Provision in § 150.1414 of the Zoning Code, to evaluate possible variation on the required yard setbacks to allow for development in this area in a manner that preserves existing vegetation and topography and establishes additional landscaping to provide a buffer between any proposed development and the right-of-way. This consideration is particularly important if lots are created with frontage on both Montgomery Road and a secondary access road.

Subarea B

As the GB-General Business District covers a significant portion of the City's non-residential development, and there is no other existing zoning district which can effectively maintain and create a transition in Subarea B MDC recommends modifying the existing "LB" Limited Business District regulations to address the appropriate uses, lot configuration, intensities, and building scale, and rezoning Subarea B to a modified "LB". The current "LB" district does not have adequate provisions for building scale, lighting, impervious surfaces, or uses to create an appropriate transition from the "GB" to the "D-3" district while continuing to allow the existing uses in this area. However, it does address the desire to regulate outdoor storage and does transition away from the high intensity uses in the "GB" district. Additionally the LB district has only been used in limited applications in the city but is an existing district in the text of the Zoning Ordinance. The proposed modifications to the "LB" would be suitable for the one other location in the City where the "LB" district as well as in this Study Area to provide an alternative to the General Business District standards. The following recommendations should be addressed in the modification of the "LB" standards:

- The uses should include small to medium-scale specialty retail including home goods, furniture, home fashions, clothing, bakery, retail, or specialty grocers; professional offices; entertainment and dining establishments such as restaurants, bars, taverns, comedy clubs, small single screen movie theaters; and service businesses such as banks, salons, tax preparation, and real estate offices.
- General retail or large format businesses are not appropriate in this area. Freestanding buildings should not exceed 20,000 square feet and attached multi-tenant buildings should not have a combined footprint in excess of 30,000 square feet to promote appropriate transitions between the smaller scales residential to the north.
- An impervious surface coverage of 60% should be established for redevelopment of this area to help reduce the amount of paved area and reduce stormwater runoff. This is consistent with the impervious surface coverage in the "D-2" and "D-3" districts.
- Outdoor storage and display should be limited to temporary displays and should not

be located between the primary building and any adjacent residential lots to reduce impacts on adjacent residential properties.

- Accessory drive-thru areas for banks or restaurants and outdoor dining areas should be located away from adjacent residential uses or lots to reduce the impact from noise and light on residential properties.
- Buildings in this Subarea B should not exceed three stories or 45 feet in height to provide an appropriate transition to the residential areas to the north. The maximum building height in the adjacent "D-3" district is 45 feet.
- In the case of redevelopment of these properties, parking lots should be located to the side or rear of the primary structure. Sites should have no more than 30% of the frontage along Montgomery Road dedicated to parking surfaces. The existing standards in Chapter 151.32 and the Parking Guidelines in the Corridor Design Guidelines should apply.
- Landscaped buffering should be provided on the side and rear property lines to reduce visual and noise impacts on adjacent residential properties. Methods detailed in the Corridor Design Guidelines should be employed to ensure adequate buffering of parking areas.
- Lighting for parking areas and freestanding pole mounted lighting should not exceed 20 feet in height and should be of high pressure sodium or metal halide and the bulb should be housed in a full cut off fixture mounted at a 90 degree plane from the ground. Lighting mounted on poles less than 15 feet tall, using incandescent lighting or producing light by the direct burning of fossil fuel could be exempt from the cut-off standard. The illumination levels and light trespass standards in Section 151.3212 should remain in effect.

Corridor Design Guidelines

The City adopted the *Montgomery Road Corridor Design Guidelines* which includes both subareas within the effective boundaries. However, at the time the guidelines were written the intent was to focus on General Business development. For this reason MDC recommends making some minor modifications to the guidelines to address some of the goals of this study. These modifications are as follows.

Subarea A

- If residential units/homes are built with access to a secondary drive running parallel to Montgomery Road, the buildings should be designed with four-sided architecture to present a fully detailed and finished façade to Montgomery Road. Rooflines, building materials, fenestration, and architectural detailing visible from Montgomery Road should reflect those of a primary or front façade. The guidelines should address residential building orientation and detailing. When a rear façade faces Montgomery Road, full screening with a mixture of deciduous shade trees, ornamentals, and evergreens should be provided.
- Landscaping should be provided or maintained in the front yards, including but not limited to naturally landscaped berms of moderate slope, decorative fences or walls with a solid or opaque construction of wood or brick up to four feet in height; or a screen of shrubs, deciduous trees and evergreens. The Corridor Design Guidelines should be updated to include criteria for front yard buffering for multi-family and/or cluster residential.
- The guidelines include standards for parking and access; they should be enhanced to include residential development. Additionally, the standards for pedestrian features and circulation should be enhanced to address multi-family residential developments with shared access and interconnectivity to adjacent development to reduce access points onto Montgomery Road.

Subarea B

MDC recommends modifying the existing Corridor Design Guidelines to include land zoned "LB" Limited Business in areas where it refers to "GB" General Business so it is clear the existing design guidelines will apply to Subarea B.

Access Management

Access management is an important component of this study and this part of the Montgomery Road Corridor. The access recommendations for the two subareas are provided below:

Subarea A

CDS prepared several alternatives for access to Subarea A to evaluate potential impacts on Montgomery Road and the cost of each alternative. Their report is attached as an appendix but the two alternatives that were preferred based on feasibility of construction and minimized impact on Montgomery Road traffic are presented below.

Option 1

The preferred access configuration for parcels 1-7 in Subarea A is an access road at the back eastern edge of the properties that would begin at parcel 1 and end at the signal at Schoolhouse Lane. This rear access would provide access to all of the properties with a single signalized access point at Schoolhouse thereby eliminating vehicular conflict caused by traffic turning in and out of side driveways onto Montgomery Road. This option requires no reconfiguration of the landscape medians and eliminates the need for any additional curb cuts onto Montgomery Road.

From a land use perspective this option is most feasible in the case that parcels 1-7 are developed together or from a south to north direction so the road can be extended as development occurs or installed all at one time.

Option 2

The secondary access configuration for Subarea A would be a single access point to serve all seven parcels aligned with the City's annex building's driveway, approximately 500 feet north of Schoolhouse. This alternative would require modification to the existing median to allow for a southbound left turn land into the access for the lots. A northbound left turn lane would be needed for the annex entrance. In exchange for the modification to the existing median this option allows for the addition of approximately 140 feet of median.

This configuration would be designed to allow for southbound 'U' turns. This option would create only one additional access point onto Montgomery Road between Forestglen Lane and Schoolhouse Lane. This would be a full access point allowing for all turning movements into and out of Subarea A and the City's annex property.

Subarea B

Currently the access configuration in Subarea B includes the lighted access at Schoolhouse Lane for Closson's, an access point for Schoolhouse Plaza that is not aligned with the access drive for Kroger's on the west side of the street, and the light at Market Place Lane, that is aligned with the main access point on the west side of the street that provides access to the Fifth Third Bank and the Marketplace center.

CDS recommend connecting access for parcels 8 and 9 to access the signal at Schoolhouse Lane. The existing full access into parcel 9 could be modified to a right-in/right-out access. This option eliminates two of the most conflicting movements at un-signalized locations. Connections between parcels 9, 11, and 12 would provide maximum flexibility and site circulation so that traffic access to any one of the parcels could be achieved without exiting onto Montgomery Road except through signalized access points.

We recognize each property is entitled to have an individual access point but encourage the City to work with land owners/developers in the case of redevelopment in this area to consolidate and improve access in this area.

Conclusion

In conclusion, MDC believes there are adequate indicators to warrant additional standards to regulate the development and redevelopment within the study area. The recommendations made in this study are intended to protect the health, safety and welfare of the people of Montgomery. We suggest that the recommendations made in this report provide a solution to the address the issues associated with the unique features of this portion of the City. The recommendations allow the City to further promote the high quality image and character that Montgomery is known for and allow for productive use of one of the few remaining undeveloped pieces of land. Additionally, as redevelopment occurs among the commercial businesses the City will be poised to provide for attractive and context sensitive development. MDC recommends the City of Montgomery adopt this study as part of the planning policy and proceed with the revisions to the Zoning Code and Corridor Design Guidelines to implement the recommendations of this study.

CHAPTER 151.12
Business District Regulations

151.1201	Purpose.
151.1202	Use regulations.
151.1203	Schedule of permitted uses.
151.1204	Lot requirements.
151.1205	Building setback requirements.
151.1206	Height regulations.
151.1207	Off-street parking setback requirements.
151.1208	Regulations for permanent outdoor display and sales.
151.1209	Temporary uses including outdoor sales and displays.
151.1210	Outdoor dining.
151.1211	Accessory use regulations.
151.1212	Landscaping and screening requirements.
151.1213	Performance standards.
151.1214	Supplemental regulations for drive-through facilities and freestanding automated teller machines.
151.1215	Supplemental regulations for gasoline stations and automobile service stations.
151.1216	Supplemental regulations for the Bethesda North Hospital property.
151.1217	Development plan review.

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§ 151.1201 PURPOSE.

The Business Districts (O, L-B, G-B, and OM) and their regulations are established in order to achieve, among others, the following purposes:

(a) To provide in appropriate and convenient locations, sufficient areas for business activities for the exchange of goods and services;

(b) To protect residential neighborhoods adjacent to business uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;

(c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;

(d) To provide Office Districts (O) to create an environment that is conducive to well-located and designed offices building sites to accommodate all types of offices and limited business service activities;

(e) To provide Limited Business Districts (L-B) to accommodate small-scale limited retail, office uses, and uses confined primarily to indoor activities with residentially sensitive scale, and character.

(f) To provide General Business Districts (G-B) with parcels of sufficient size, allowing for a broader range of commercial uses and services than those specified in the L-B District, including more intensive automotive and outdoor uses.

(g) To provide an Old Montgomery District (OM) that preserves the historic fabric of the downtown area by maintaining retail and office uses along the primary street frontages, reducing the parking requirements and allowing for buildings to be located closer to the street. To further achieve these objectives, the District has been divided into the "core area" and "outer area". In the core area, development standards are established to maintain the traditional character and arrangement of lots along the Montgomery Road corridor; in the outer area, slightly more generous standards have been established for adjacent lots surrounding the corridor where existing lot arrangements are more flexible.

§151.1203 SCHEDULE OF PERMITTED USES.

	Office District "O"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery District "OM"
A. Residential				
1. Single-family detached dwellings				C [a]
2. Single family attached/detached cluster developments				C
3. Two-family dwellings				C [a]
4. Multi-family dwellings	C			C [a]
5. Retirement villages	C			
6. Bed and Breakfasts				C
7. Residential uses as conversions from retail and office uses				C
8. Residential units on upper floor of an existing commercial/office building				P
9. Mixed Use Developments		C	C	C
B. Community Facilities				
1. Places of worship	C	C	C	C
2. Daycare within churches, schools	P	P	P	P
3. Day care center (child and adult)	P	P	P	P
4. Public utility substations	C	C	C	
5. Libraries, museums	P	P	P	P
6. Public safety facilities	P	P	P	P
7. Public service facilities			C	
8. Schools, public & private	C	C	C	C
C. Medical Facilities				
1. Hospitals	C (d)		C	
2. Nursing Homes	C		C	

Notes to §151.1203:

(a) Permitted in the "outer area" only. See City Zoning Map for boundaries of outer area.
(b) Uses above the first floor.
(c) Uses on the first floor.
(d) Except as permitted by right per S. 151.1215
P = Use Permitted by Right
C = Conditional Use
A = Accessory Use

	Office District "O"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery District "OM"
G. Services				
1. Animal hospital or clinic; grooming facility (excluding open kennels or open runs)		P	P	C
2. Barber and beauty shops		P	P	P
3. Commercial/Trade schools (excluding outdoor activities)			P	C
4. Dry cleaning / laundry pickup station		P	P	P
5. Funeral home, mortuaries	P		P	
6. Motels, hotels			P	P[a]
7. Studios for instruction		P	P	P[b] C[c]
8. Shoe repair, tailoring		P	P	P
9. Construction and Mechanical Services			P	
H. Automotive/ Transportation				
1. Parking as principal use (lot or garage)			P	C
2. Automobile, truck, trailer sales and rental			C	
3. Car wash			C	
4. Gasoline station			C	
5. Vehicle, repair facility			C	
I. Entertainment – Recreation				
1. Indoor recreation such as bowling lanes, theaters, tennis, handball courts		C	P	C
2. Public and private parks	P	P	P	P
3. Clubs, lodges or other assembly halls	P	P	P	C [a]
4. Outdoor recreation including tennis, handball courts, miniature golf courses, swimming pools and similar uses			C	

Notes to §151.1203:

[a] Permitted in the "outer area" only. See City Zoning Map for boundaries of outer area.

[b] Uses above the first floor.

[c] Uses on the first floor.

P= Use Permitted by Right

C= Conditional Use

A= Accessory Use

§151.1204 LOT REQUIREMENTS.

(a) The minimum lot requirements for uses in the O, L-B, G-B, and OM Districts are specified in Schedule 151.1204(a).

Schedule 151.1204(a)
LOT REQUIREMENTS

	Office District "O"	Limited Business "L-B"	General Business "G-B"	Old Montgomery District "OM" [a]	
				Core Area	Outer Area
(1) Minimum Lot Size	15,000 sq.ft.	15,000 sq.ft.	15,000 sq. ft.	none	none
(2) Minimum Lot Width	75 ft.	75 ft.	75 ft.	none	none
(3) Mandatory Building Width	--	--	--	70% of lot width[b]	none
(4) Maximum Impervious Surface Coverage	--	60% of lot area	--	--	--

Notes to Schedule 151.1204(a):
[a] See City Zoning Map for boundaries of core area vs. outer area.
[b] See also § 151.1204 (b).

(b) Lot Frontage Requirements in the Core Area of the Old Montgomery District. Each lot shall have a minimum of 70 percent of the linear length of the lot frontage devoted to a building, or a building and wall in combination, as specified below:

(1) The length of lot frontage utilized in the calculation shall not include the width of access drives.

(2) When the length of the building frontage equals less than 70 percent of the linear length of the lot frontage, a wall shall be required as specified below so that the length of the building and wall, in combination, equal a minimum of 70 percent of the linear length of such lot frontage.

A. Walls shall be constructed of solid masonry and shall have a height not less than 3 feet, not including ornamentation or other features.

B. Walls shall be located no farther from the public right-of-way than the building setback line established in Subsection 151.1205(b).

§ 151.1205 BUILDING SETBACK REQUIREMENTS.

(a) Every building shall be located on a lot in compliance with the setback requirements set forth in Schedule 151.1205(a).

property line, as specified within Schedule 151.1207 unless otherwise noted.

(a) The area within the parking setback shall be landscaped in accordance with Chapter 151.34.

(b) Off-street parking spaces shall be provided in compliance with Chapter 151.32.

Schedule 151.1207
OFF-STREET PARKING SETBACK REQUIREMENTS

	Office District "O"	Limited Retail "L-B"	General Business "G-B"	Old Montgomery "OM" [a]	
				Core Area	Outer Area
(1) Setback from street right-of-way	50 ft.[b][e]	20 ft. [b]	20 ft.[b]	(c)	12 ft.
(2) Setback from side or rear lot line					
A. When the lot line adjoins a nonresidential district	10 ft.	10 ft.	5 ft.	Side - (d) Rear – 0	3'
B. When the lot line adjoins a residential district or use.	20 ft.	20 ft.	20 ft.	Side - (d) Rear - 5 ft.	10 ft.

Notes to Schedule 151.1207:

(a) See City Zoning Map for boundaries of core area vs. outer area.

(b) When the front yard abuts or faces a residential district, no parking may be located in the front yard.

(c) Not permitted in the front yard. On corner lots, parking may be permitted in the front yard abutting any street other than Montgomery Road, with a minimum 5ft. peripheral landscape strip, provided that no parking is located between the building line and the front lot line along Montgomery Road.

(d) Not permitted in side yard.

(e) The setback for parking when the principal building is set closer than 50' from the right of way shall be equal to the setback of the building.

§ 151.1210 OUTDOOR DINING.

Outdoor dining shall comply with the following regulations:

(a) Outdoor dining shall only be permitted as an accessory use to an indoor restaurant. Outdoor seating shall not obstruct a public right-of-way or sidewalk nor any entrance or exit to the restaurant, except as provided in subsection (h) below.

(b) The number of seats permitted outdoors shall be no greater than 30 percent of the number of seats inside the restaurant.

(c) The outdoor dining area shall be limited to seating only and shall not include table bussing facilities or cooking facilities.

(d) There may be no permanently installed sound systems in an outdoor dining area. Any sound system to provide entertainment on a temporary basis must be portable and must be removed at the end of each business day. All outdoor dining activities, including any entertainment, are subject to the City's noise ordinance and related limitations thereto.

(e) Outdoor heaters in the dining area may be permitted only pursuant to appropriate health and fire codes enforced in the City of Montgomery.

(f) No separate advertising is permitted for the outdoor dining area, including any advertisement for the business or any supplier to the business on any umbrellas, awning or other structure attending to the outdoor dining facilities.

(g) The property owner shall be responsible to keep the outdoor dining area free and clear of all garbage, trash and other debris and shall provide an appropriate trash receptacle within the outdoor dining area for the deposit of refuse and litter. Such trash receptacle shall be emptied on a regular basis and shall be moved indoors at the end of each business day.

(h) Any outdoor dining located upon a public sidewalk or within the public right-of-way requires a separate annual permit from the City Manager which must be accompanied by sufficient surety or insurance to protect and indemnify the City from any third party claims.

§ 151.1211 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any O, L-B, G-B or OM District shall conform to the regulations of this Section.

(a) Accessory Buildings. Accessory buildings shall conform to all lot and yard regulations and development plan review and approval requirements for principal buildings of the zoning district in which the parcel or lot is located.

(b) Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth in Chapter 151.34.

(c) Signs. Signs shall conform to the regulations specified in Chapter 151.30.

§ 151.1212 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 151.34.

§ 151.1213 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards.

(a) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such

access each machine and such additional space within the identified and dedicated traffic lane to allow two (2) waiting motor vehicles for each machine to stand on the lot without interfering with other vehicular traffic.

(9) Any separate lighting for the ATM must comply with § 151.1213 (b) and shall be the minimum necessary to provide adequate security for the use of the ATM.

(10) No external loud speaker system is permitted with such ATM.

(c) Will not restrict or adversely affect the existing use of the adjacent property owners;

(d) Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 151.32;

(e) Will be properly landscaped in accordance with Chapter 151.34;

(f) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(g) The hours of operation of the proposed use are similar to a use permitted in the district;

(h) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(i) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(j) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(k) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools; and

(l) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

§ 151.2003 SPECIFIC STANDARDS FOR CONDITIONAL USES.

In addition to the general criteria established in Section 151.2002, the following specific conditions pertaining to each use or group of uses shall apply.

(a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 151.2002.

(b) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Code, as well as satisfy the conditions, standards and requirements of this Chapter. In the event that the standards of this Section conflict with the standards of other sections of the Zoning Code, these standards shall prevail, except for nonconforming uses as regulated in Chapter 151.50.

§ 151.2004 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

Schedule 151.2004 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in Section 151.2007, and the specific subsections are referenced in Schedule 151.2004, below.

§ 151.2005 SUPPLEMENTAL REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

In any residential district, the percentage of a lot covered by a nonresidential use, including buildings and parking, shall not exceed 40% of the total area of the lot.

§ 151.2006 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN OFFICE, RETAIL BUSINESS AND OLD MONTGOMERY DISTRICTS.

Schedule 151.2006 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in a business district. Supplemental requirements pertaining to such uses are set forth in Section 151.2007, and the specific subsections are referenced in Schedule 151.2006 below.

Conditional Use:	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section:
	Area	Width	Front	Side-Rear[b]	Front	Side-Rear[b]	
14. Outdoor recreation including tennis, handball courts, miniature golf courses, swimming pools and similar uses	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(n)
15. Parking as principal use (lot or garage)	(a)	(a)	(a)	(a)	(a)	(a)	--
16. Places of worship	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(o)
17. Public service facility	(a)	(a)	(a)	(a)	(a)	(a)	--
18. Public utility substation	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(p)
19. Residential uses as conversions from retail and office uses	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(q)
20. Retirement villages, nursing homes	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(s)
21. Schools, public & private	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(o)
22. Single-family detached dwellings	(a)	(a)	(a)	(a)	(a)	(a)	--
23. Studios for instruction	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(s)
24. Two-family dwellings	(a)	(a)	(a)	(a)	(a)	(a)	--
25. Vehicle and maintenance repair facility	(a)	(a)	(a)	(a)	(a)	(a)	151.2007(t)
26. Taverns, bars, cocktail lounges	½ acre	(a)	(a)	(a)	(a)	(a)	151.2007 (v)

Notes to Schedule 151.2006:

(a) Shall comply with district regulations.

(b) Regulations apply to all side and rear setbacks unless a greater setback is specified in the district regulations for lots adjacent to residential districts.

(c) Shall comply with the parking setback requirements for the principal building on the lot.

ft = feet sf = square feet ac = acres

-- = Not applicable

(3) Structures, as described in subsection (2) above, greater than six feet in height but not exceeding 45 feet, shall be setback not less than 50 feet from the right-of-way line, or any lot zoned and used for residence purposes abutting the cemetery property. Accessory buildings and sheds used for general maintenance of the cemetery grounds, and other structures not related to a gravesite, must be setback a minimum of 50' from the front property line and 25' from the side or rear property line.

(4) Any building, mausoleum, crematory, or associated parking, shall be setback 50 feet from the street right-of-way line.

(e) Clubs, Lodges and Other Assembly Halls shall permit activities, programs and other events that are directly related to the conditional use permit so granted, and are adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(f) Day Care Center, Child or Adult shall comply with the following:

(1) An on-site drop-off/pick-up area that will not impede traffic on or off the site shall be provided at the main entrance to the facility to ensure the safety of the children and adults. The drop-off/pick-up area shall be sufficient to accommodate 4 automobiles for facilities with 20 or fewer persons enrolled at the center, plus one additional space for each additional 10 persons enrolled. Additional parking shall be provided in compliance with Chapter 151.32.

(2) All outdoor activity areas shall be adequately enclosed by a fence at a height approved by the Planning Commission and/or Council An entry gate shall be securely fastened.

(3) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.

(4) The Planning Commission and/or Council may impose restrictions on the hours of operation, both indoor and outdoor.

(5) The design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential neighborhood character. The overall visual impact as seen from the street shall look like a residential structure.

(6) In order to maintain the residential character of the area in which the day care center is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a residential structure unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;

(7) Signs or other means of identification as a day care center shall not be permitted;

(8) The applicant shall comply with the applicable parking regulations of the Zoning Code for the type of residential structure used by the day care center and shall make adequate provision for on-site parking of vehicles used by visitors and the workers;

(9) In considering whether to grant the conditional use permit, Planning

(5) Signs or other means of identification as a family home for handicapped persons shall not be permitted;

(6) The applicant shall comply with the applicable parking regulations of the Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;

(7) In considering whether to grant the conditional use permit, Planning Commission and/or Council shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 1,000 feet from where another family home or group home for handicapped persons is located;

(8) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;

(9) Conversion of an existing dwelling to a family home for handicapped persons shall require that the dwelling be brought into conformity with existing City regulations. Such residential use shall not be converted if the existing character of the residential structure cannot be retained. Prohibited changes include, but are not limited to, the following:

A. Facade changes not characteristic of a residential structure;

B. Building additions or modifications of scale, character, material and color not characteristic or compatible with a residential structure.

Changes in (including addition or removal of) windows or doors in a manner not characteristic of a residential structure.

(h) Gasoline Stations. In addition to the above regulations, all gasoline stations shall comply with the following standards. (1)Fuel pumps and associated access aisles and canopies shall not be permitted to extend closer to the street right-of-way than 50 feet. Fuel islands must be located at least 200' from a residential dwelling unit.

(2) The only service permitted to be performed on a vehicle at a gasoline station shall be the dispensing of fuel, oil, air, and windshield wiper fluid.

(3) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

(4) Car washes shall be permitted as an accessory use to a gasoline station if they can accommodate only one car at a time during both the wash and dry cycles.

(i) Golf Courses shall comply with the following:

(1) Vehicular access to such uses shall be located on a major street.

(2) Only incidental retail sales and services shall be permitted related to a snack bar, restaurant or pro shop. Such retail and service uses shall be provided for the convenience of the patrons and no sign advertising such retail or service use shall be permitted.

operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.

(l) Indoor Recreation such as Bowling Lanes, Theaters, Tennis and Handball Courts shall ensure that noise shall be adequately controlled so as not to create a nuisance to adjacent property. In order to minimize any effects of the above, the Planning Commission and/or Council may require additional noise reduction measures.

(m) Mixed Use Developments shall comply with the following:

(1) A mixed use development in the LB and GB districts shall have a minimum project size of 4 acres. Mixed use developments in the OM outer district shall have a minimum of two (2) acres. The mixed use development project area shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed mixed use development boundaries.

(2) The uses permitted within a mixed use development shall be governed by the permitted uses established in the respective L-B, GB, or OM District, in which the project is located, and may also include single-family attached dwellings, single-family detached clusters, and multi-family dwellings.

(3) When residential uses are included in a mixed use development plan, as permitted in subsection (2) above, such uses shall conform to the building and parking setback requirements and height regulations established for the district in which the project is located.

(4) Residential uses proposed as part of a mixed use development shall not exceed 50% of the total gross floor area proposed in the project in the LB or GB districts.

(5) If the development is to be implemented in phases, each phase shall be presented at the time of development plan review, as required by § 150.1402, in order to demonstrate the location and mix of uses proposed for development.

(n) Outdoor Displays shall comply with the following:

(1) Areas devoted to outdoor display shall comply with all building setbacks and yard regulations for the district in which they are located as set forth in this chapter.

(2) The outdoor display area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.

(3) The area of the lot devoted to outdoor display shall not exceed 20 percent of the ground floor area of the principal building.

(4) No signs shall be permitted in conjunction with outdoor display areas except those otherwise in compliance with the sign regulations in Chapter 151.30.

(o) Outdoor Recreation including Tennis and Handball Courts, Miniature Golf Courses, Swimming Pools and Similar Uses shall comply with the following:

(1) The proposed use shall not generate excessive odor, dust, or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission and/or Council may require all applicable surface areas to be paved and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less

otherwise provided in the district where the building is built.

(8) When located in a residential district, the design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential neighborhood character.

(9) For schools, a designated on-site drop-off/pickup area shall be provided at the facility.

(10) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(11) Associated uses such as a convent, faculty residence, cafeteria, fieldhouse, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.

(Q) Public Utility Substation shall comply with the following:

(1) Substations shall be conditionally permitted only when the distribution of service is essential to the immediate features restrict the location of such facilities.

(2) Natural or man-made barriers shall be provided to lessen any intrusion into a residential area.

(3) Storage of materials shall be within a completely enclosed building.

(4) Substations shall be located a minimum of 100 feet from any dwelling existing at the time the substation is erected.

(r) Residential Uses as Conversions from Retail and Office Uses in the Old Montgomery District, are encouraged to be located above the first floor to preserve the continuity of retail/service uses street frontage. Such residential uses, however, may be considered on the first floor when the site location provides minimal disruption to the continuity of retail/service street frontage.

(s)Retirement Villages, Nursing Homes shall comply with the following:

(1) A retirement village may include one or more of the following types of residential facilities:

A. Independent living with congregate dining facilities,

B. Congregate living, or

C. Assisted living.

Nursing care may be permitted as an accessory use to one or more of the above facilities in a retirement village.

(2) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.

(3) The minimum setbacks for individual buildings shall comply with those established in Schedules 151.2004 and 151.2006, respectively. As part of the development plan approval for a conditional use permit, Planning Commission and/or Council may establish greater setbacks when the minimum setbacks do not provide adequate safeguards to adjoining residential property, due to topography, vegetation or building size.

Chapter 151.32
Off-Street Parking and Loading Regulations

151.3201 Purpose.
151.3202 Parking facilities required.
151.3203 Units of measure.
151.3204 Off-street parking standards.
151.3205 Allowance for shared parking.
151.3206 Specific standards for the Old Montgomery District.
151.3207 Off-street waiting spaces for drive-thru facilities.
151.3208 Parking spaces for persons with disabilities.
151.3209 Parking design standards.
151.3210 Regulations for access drives.
151.3211 Off-street loading requirements.
151.3212 Improvement and maintenance standards.
151.3213 Parking lot landscaping and screening.
151.3214 Development plan review.

§ 151.3201 PURPOSE.

Off-street parking regulations are established to achieve, among others, the following:

(a) To relieve congestion so streets can be utilized more fully for movement of vehicular traffic;

(b) To promote the safety and convenience of pedestrians and shoppers by separating parking areas and extensive car movements in the vicinity of pedestrian ways;

(c) To protect adjoining residential neighborhoods from on-street parking; and

(d) To promote the general convenience, welfare and prosperity of residential, business, and service developments which depend on off-street parking facilities.

§ 151.3202 PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be provided prior to the occupancy of any building or use. Facilities shall be provided for the entire building or use in accordance with the regulations contained in this Chapter whenever:

(a) A building is constructed or a new use is established.

(b) The use of an existing building is changed to a use requiring more parking facilities.

(c) An existing building is altered and there is an increase in seating capacity, floor area of the building, or number of employees.

All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation and shall not be reduced below the required size as long as the principal use remains, unless an equivalent number of spaces are provided for said use in another approved location.

Schedule 151.3204
Required Off-Street Parking Spaces

Principal Building or Use	Minimum Spaces Required[a]	Maximum Permitted
(a) Residential Uses		
(1) Dwelling, single-family unit (detached or attached)	2 enclosed spaces for each unit	No restrictions
(2) Dwelling, two-family	2 enclosed spaces for each unit	No restrictions
(3) Dwelling, multiple	2 unenclosed spaces for each unit	4 unenclosed spaces for each unit
(4) Bed and Breakfast	1 space for each sleeping room or suite plus the requirement for the dwelling unit	2 spaces for each sleeping room or suite + the requirement for the dwelling unit
(5) Independent senior living facility	2 spaces for each unit	3 spaces for each unit
(6) Assisted living/congregate	1 space for each unit plus 1 space for every 2 employees on maximum shift	2 spaces for each unit + 1 space for every 2 employees on maximum shift
(7) Nursing homes	1 space for every 3 beds plus 1 space for every employee on maximum shift	1 space for every 1 bed + 1 space for every employee on maximum shift
(b) Community Facilities/Schools		
(1) Convention, exhibition or meeting hall (without fixed seats)	1 space for every 100 square feet of floor area	1 space for every 60 square feet of floor area
(2) Day care center (child and adult)	1 space per employee plus one space per 5 persons enrolled at capacity	1 space per employee + one space per 3 persons enrolled at capacity
(3) Library, museum, art gallery or similar public building	10 spaces, plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet	10 spaces + one additional space for each 100 square feet of floor area in excess of 2,000 square feet.
(4) Places of worship	1 space for every 3 seats in main auditorium	1 space for every 2 seats in main auditorium
(5) Elementary or Junior High School	2 spaces for each classroom plus 1 space for every 4 seats in auditorium or main assembly room	2 spaces for each classroom + 1 space for every 2 seats in auditorium or main assembly room

Principal Building or Use	Minimum Spaces Required[a]	Maximum Permitted
(3) Funeral home, mortuaries	1 space for every 50 square feet of floor area plus 1 space for each vehicle maintained on the premises	1 space for every 25 square feet of floor area + 1 space for each vehicle maintained on the premises
(4) Greenhouse, nurseries	1 space for every 400 square feet of floor area	1 space for every 300 square feet of floor area
(5) Hotel, motel	1 space for each sleeping room or suite plus 1 space for every 2 employees	2 spaces for each sleeping room or suite + 1 space for every 2 employees
(e) Eating Establishments		
(1) Restaurant --Table Service (including café, nightclub, bars/taverns)	1 space per 50 square feet of floor area, or 1 space for every 2 seats, whichever requires the greater number of spaces	150% of minimum
(2) Restaurant--Counter Service when located in a shopping center[b]	10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle	150% of minimum
(3) Restaurant--Counter Service when located as the only use in a free-standing building	20 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle	150% of minimum
(f) Automotive / Transportation		
(1) Automobile, truck, trailer sales and rental	1 space for every 400 square feet of floor area of sales room plus 1 space for every service stall in the service room	1 space for every 200 square feet of floor area of sales room + 1 space for every service stall in the service room, excluding inventory storage areas. (§151.2007(a)[2])
(2) Vehicle repair facility	2 spaces for every service bay plus 1 space for every employee	3 spaces for every service bay + 1 space for every employee
(3) Car Wash	1 space for every employee	1 space for every employee
(4) Gasoline Station	1 space for every employee	1 space for every employee, plus applicable retail space
(g) Entertainment / Recreation		
(1) Bowling alley	5 spaces for each lane, plus 1 additional space for each 100 square feet of area for eating, drinking or other recreation	6 spaces for each lane + 1 additional space for each 70 square feet of area for eating, drinking or other recreation
(2) Golf course (9 holes or more)	8 spaces per green	10 spaces per green

(2) However, due to unique building and site characteristics that may be present in the Old Montgomery District, the Planning Commission and/or Council may approve a development plan with fewer parking spaces than fifty percent (50%) of the requirements set forth in § 151.3204. In order for the Planning Commission to consider a reduction of the required spaces, the applicant must demonstrate that such a reduction is warranted based on the following criteria.

A. The character of the proposed use, the design of the building and the ability of the proposed use to reinforce the main street environment;

B. The availability and accessibility of public parking spaces, both on-street and within public parking lots to meet the needs of the development;

C. The availability of parking areas on adjacent sites, considering the hours of operation of the proposed use compared to adjacent uses to meet the needs of the development; and

D. The potential negative impact to the character of the district if the requisite number of parking spaces is provided.

§ 151.3207 SPECIFIC STANDARDS FOR THE LIMITED BUSINESS DISTRICT.

(a) A maximum of 30% of the property's frontage shall be dedicated to parking surfaces.

(b) A maximum of 2 bays of parking and a drive aisle shall be permitted between the established building setback and the public right-of-way.

(c) 80% or more of the required surface parking shall be located to the side or rear of the primary structure.

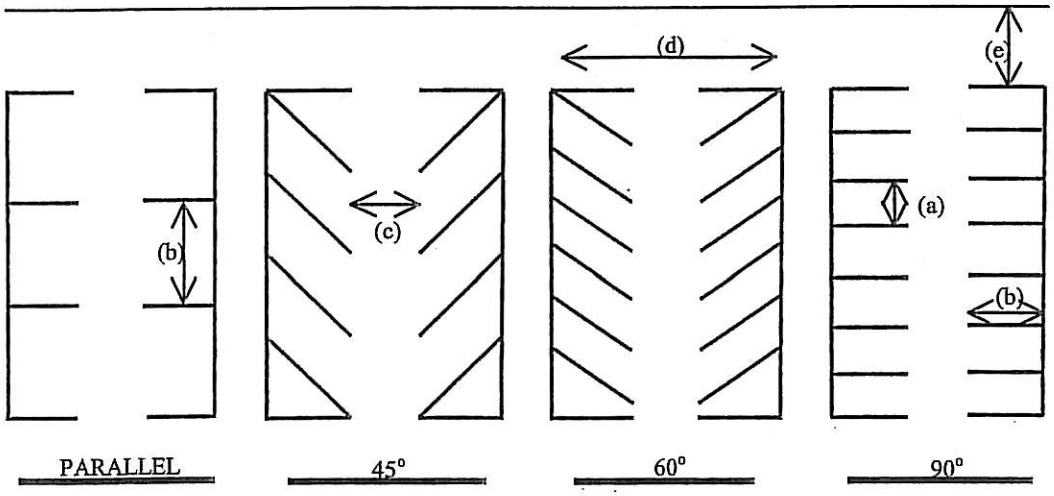
illustrates the requirements for each angle scenario.

Schedule 151.3209
PARKING DESIGN STANDARDS

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	9 ft	9 ft	9 ft	9 ft
(b) Length of Parking Space	19 ft(1)	19 ft(1)	19 ft(1)	23 ft
(c) Width of Parking Aisle	13 ft	18 ft	24 ft	12 ft
(d) Width of Double-loaded Parking Module	51 ft	56 ft	62 ft	30 ft
(e) Circulation Aisle (one way)	17 ft	14 ft	14 ft	14 ft

Notes to Schedule 151.3210:
(1) When a parking space is adjacent to a landscaped area that has a width greater than six feet, the length of the parking space may be reduced by not more than 2 feet.

Figure 151.3209
ILLUSTRATION OF PARKING DESIGN STANDARDS



( ) Letters refer to subsections on Schedule 151.3209.

§ 151.3210 REGULATIONS FOR ACCESS DRIVES.

The driveway for a single or two-family dwelling, behind the street right-of-way shall be not less than 8 feet nor more than 20 feet in width and a minimum distance of 5 feet from the side lot line. Residential access drives must also be in conformance with Chapter 93 of Montgomery Codified Ordinances. In all other cases, the location, width, and number of entrance and exit access drives

accordance with standards established by the City Engineer and the following:

(a) Paving. All parking and loading areas and access driveways shall have asphalt or other similar hard surface approved by the City Engineer.

(b) Drainage. Parking areas shall be graded to provide for drainage so that injury will not be caused to adjacent properties or water will not drain across a public sidewalk. Drainage will be consistent with all other applicable standards of the City of Montgomery.

(c) Lighting. Parking areas shall be illuminated whenever necessary to protect the public safety. Light sources utilized for such illumination shall comply with the following regulations:

(1) Height: The height of all light poles for parking and other public areas for permitted and conditional uses in all residential districts, the OM Core District and the LB District, shall not exceed 20 feet. The height of all light poles in the O Office, and G-B General Business, and OM Outer Business Districts shall not exceed 25 feet. Institutional uses in residential, office, or limited business districts may be permitted a higher pole for accessory recreational uses as part of the approval of a conditional use permit when it can be shown that there will not be a significant impact on surrounding properties. Lighting inside or directly adjacent to a stadium which is intended to light the playing field will be the only pole lighting which may be exempted by the Planning Commission from the height and full cut off requirement. The height of a light pole shall be measured from the ground, including any bases upon which the light pole sits, up to the highest extension of the pole or structure, regardless of the position of the light source.

(2) Fixture: All light poles shall use luminares with a 90 degree full cutoff with a flat lens. Light poles under 15 feet in height using incandescent lighting or which produce light directly by the combustion of fossil fuels, such as kerosene or gas lamps may be exempted from the full cutoff requirement. When a business or public institution uses a high intensity (HID) type of bulb on an exterior wall mounted fixture, the bulb must be housed in a full cut off fixture mounted at a 90 degree plane from the ground and may not be directly visible from five feet beyond the property line.

(3) Type of Light: Lamp types for parking areas may be high pressure sodium or metal halide. When appropriate, incandescent and lighting produced directly by the combustion of fossil fuels may be approved. Low pressure sodium and mercury vapor lamps are prohibited.

(4) Light Trespass: The height and location of poles shall be designed such that the maximum light spillage onto the ground of any adjoining private property shall not exceed .01 footcandles at any point 5 feet from the property line.

(5) Illumination levels: The maximum lighting levels for parking, and outdoor activities for institutional uses in residential districts shall be established by the Planning Commission as part of the conditional use permit. The maximum lighting levels for parking areas, outdoor seating, and inventory display areas in the Office, Retail and Old Montgomery districts are set forth is Schedule 151.3212 (c). Lighting levels are determined by

SCHEDULE 151.3212(c)(ii)

Maximum Average Illumination Levels for Outdoor Display/Storage in the Office, Business and Old Montgomery District

	O, GB	LB, OMG & OM
Auto Dealerships (New, Used, Sales, Rental):		
Front Row and Feature Display	Day/Evening 25fc Overnight* 10fc	Day/Evening 10 fc Overnight* 5fc
Balance of Display/Storage Area	Day/Evening 12fc Overnight* 3fc	Day/Evening 5fc Overnight* 3fc
Other Permanent/Temporary Outside Storage/Display	Day/Evening 8fc Overnight* 3fc	Day/Evening 5fc Overnight* 3fc
Restaurants (Bars) with Outdoor Seating	Day/Evening 3fc Overnight*1fc	Day/Evening 3fc Overnight* 1fc
Gas Stations/Convenience Stores with Pumps:		
Under Canopy within 15 of Pump	Day/Evening 20 fc Overnight*5fc	
Balance of Vehicle Access/Parking/Display	Day/Evening 5fc Overnight 2 fc	
Drive-Up Windows As Part of Principal Building with 10' of Window	Day/Evening 10fc Overnight 3fc	Day/Evening 10fc Overnight* 3fc
Automated Teller Machines, Restaurant Menu Boards within 8' of ATM or Board	Day/Evening 10fc Overnight* 3fc	Day/Evening 10fc Overnight* 3fc

*Overnight is defined as starting one hour after close of business or 11:00 p.m., whichever is earlier. Drive-up windows for twenty-four (24) hour restaurants, twenty-four (24) hour gas stations and convenience stores, and twenty-four (24) hour ATM's are exempt from the overnight restriction and may maintain day and evening lighting at all hours.

CHAPTER 151.34
Landscaping and Screening Regulations

151.3401 Intent.
151.3402 Flexibility in the arrangement and placement of landscaping and screening.
151.3403 Landscape materials determined by zoning administrator.
151.3404 Definitions.
151.3405 General landscaping and maintenance of yards.
151.3406 Landscaping requirements for front yards.
151.3407 Screening and buffering when lot abuts a residential district or residential use.
151.3408 Screening and landscaping of parking lots.
151.3409 Screening of accessory uses.
151.3410 Requirements for fences and walls in commercial districts.
151.3411 Approval process for required landscaping, fences and walls.

§ 151.3401 INTENT.

Visual screening or landscape buffers for office, commercial, institutional, and multifamily residential properties shall be provided for the following purposes:

(a) To remove, reduce, lessen or absorb the impact between certain land uses by the proper utilization of landscaped and screened buffers;

(b) To minimize potential noise, glare and visual clutter of parking and loading areas, trash receptacles and outdoor storage by obscuring the view with landscaping and screening;

(c) To protect, preserve and promote the aesthetic appeal, character and value of the City of Montgomery's neighborhoods, particularly by providing interest along the streetscape;

(d) To soften the appearance of building masses and to break up and reduce the impact of large paved areas;

(e) To reduce heat generation, stormwater run-off and soil erosion; and

(f) To establish a minimum standard for the consistent appearance of plant material in the community landscape.

§151.3402 - FLEXIBILITY IN THE ARRANGEMENT AND PLACEMENT OF LANDSCAPING AND SCREENING.

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, it should be recognized that existing vegetation and other natural features may also adequately achieve the intended standards and objectives of each section, and precise compliance with all of the numerical standards may be preempted or unnecessary because of existing or proposed conditions on the site or adjacent property. Therefore, when complying with this Chapter, the City may permit the flexible arrangement of the plant material to best achieve the intent of this Chapter and the purposes of the numerical standards, to preserve existing natural features, and to assure that other health and safety objectives and standards of the City are not compromised.

§151.3408 apply. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.

(b) One shrub shall be provided for every 5 linear feet of lot frontage or fraction thereof, not including drive entrances. In the yard area in front of a parking lot, the requirements of §151.3408 (b) also apply. Each shrub shall have a minimum height of 18 inches at the time of installation.

(c) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other landscape treatment, excluding paving.

(d) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

(e) Landscaping requirements in the OM District may be modified by the Zoning Administrator.

§ 151.3407 SCREENING AND BUFFERING WHEN LOT ABUTS A RESIDENTIAL DISTRICT OR RESIDENTIAL USE.

Screening and buffering along the common boundary or portion thereof shall be provided in accordance with the following regulations and shall be approved as part of the development plan required by Chapter 150.14.

(a) When Required: Screening and buffering shall be required for parking lots, access drives or loading and service areas when adjacent to a residential use or district.

(1) When a property in the LB district is adjacent to a residential use or district the screening requirements shall be extended along the entirety of the shared property line.

(b) Width of Buffer Yard. Each required buffer yard shall have the minimum width equal to the parking setback required for the district.

(c) Type of Screening. A brick, stone, or decorative masonry wall of acceptable design along the common boundary or portion thereof, shall be required. The spaces between the wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of a wall, a solid, continuous, visual screen along the common boundary or portion thereof with one or more of the items listed below can be substituted, only when it is determined by the Planning Commission that such screening can be equally as effective as the solid wall.

(1) Existing natural vegetation; or

(2) New screening materials consisting of one or a combination of the following:

A. A landscaped mound or berm at least 3 feet in height, and planted with an evergreen hedge or dense planting of evergreen shrubs not less than 6 feet in height measured from the natural grade.

B. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer; or

C. A solid fence.

(d) Location. The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect as determined by the Planning Commission and/or Council.

perimeter of the parking area. When the screening or a portion thereof is intended to be provided with landscaping, the minimum height at installation must be 24".

(2) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.

§ 151.3409 SCREENING OF ACCESSORY USES.

For single-family attached and multi-family developments, Office, Business, Old Montgomery Districts, and for non-residential conditional uses in residential districts, screening of accessory uses shall be provided according to the following:

(a) Trash receptacles. Trash receptacles shall be enclosed on all four sides by a wall or gate constructed of solid materials that creates a continuous visual screen and matches or compliments the principal building. A chain link fence shall not be permitted. The wall or gate shall have a minimum height of 6 feet or the height of the receptacle, whichever is greater. The gate shall be enclosed at all times, except during collection.

(b) Loading and Service Areas. Each loading area shall be screened along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements of subsection 151.3406(c).

§ 151.3410 REQUIREMENTS FOR FENCES AND WALLS IN OFFICE AND COMMERCIAL DISTRICTS.

(a) Fences and walls, when not used for screening and buffering as required by § 151.3407, may be used in commercial districts for the following purposes:

(1) For decorative purposes in the front yard, not to exceed a height of 4 feet; or

(2) For security and/or containment of equipment or vehicles in the side or rear yard. Fences shall be of chain link, picket, split rail, sapling, louver, board on board, or other design, and, if painted, shall be one color. The maximum height of the fence is six feet. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.

(b) All fences and walls shall be approved with appropriate landscaping as part of a final development plan.

§ 151.3411 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.

(a) Proposed landscaping, fences or walls required to fulfill the standards and criteria of this chapter shall be reviewed and approved as part of a development plan pursuant to Chapter 150.14.

(b) When a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:

(1) Complies with the requirements of this Section;

(2) Is consistent with any previously approved plan;

(3) Is compatible with the current site development if there is no approved plan; and

(4) Will have a minimal adverse impact to the surrounding areas.