

**From:** [Hummel, Phillip A.](#)  
**To:** [Rob Robinson](#); [Gregory Mann](#)  
**Subject:** Retool Follow Up Items  
**Date:** Tuesday, February 27, 2024 3:06:15 PM  
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Hi Rob and Greg,

Seems like there has been a very warm welcome to the proposed zoning ordinance draft! In following up on our discussion, I wanted to offer a few additional comments for your consideration:

- Sec. 24-1.2(E) – I believe you mentioned that if, say, a sketch plan came in under the old code, that the subsequent SDP and FSP would also be reviewed under the old code (even if the new code was adopted in the meantime). Do I have this right? If this is the case, it may be worth adding such language in this section (and perhaps even giving an applicant the right to use the new code if they so choose).
- Sec. 24-1.5 – I appreciate the intent here, but this step by step guide may only be helpful for specific circumstances.
- Sec. 24-3.1 – Thoughts on uses and definitions
  - Is there a way to consolidate some of the various dwelling types (e.g., “multiplex”)?
  - I don’t believe “Renting of Rooms” or “Short Term Rentals” are defined in the zoning ordinance.
  - Are there definitions for the various use groups (entertainment and recreational, institutional, professional business services, etc.)?
  - For “automobile filling stations,” how did you come up with the 1,000 sq. ft. max for accessory retail?
  - Out of curiosity, what is the reason “fortunetelling businesses” are regulated in the City? Is there some historical issue there?
  - Both “theatre” and “theater” are used. Same with “day care” and “daycare.”
  - I believe this point was raised during our call, but a standalone use for “warehousing” would be helpful.
  - If educational institutions and meeting and banquet halls are allowed in I-3, E-1, and E-2 zones, it seems religious uses should be allowed in those zones as well. Similar with educational institutions and day care centers/religious uses in the MCD zone.
  - If the intent for “retail store with gas” is to cover a Wawa-like facility, the number of fueling stations may need to be increased to 6 (with 12 pumps).
- Notice requirements - I believe it would be worthwhile to state somewhere that it is the City (and not the applicant) who is responsible for mailed notice.
- Sec. 24-4.4(C)(1) – Did you get feedback from commercial developers/property owners on the base FARs in the CD zone?
- Sec. 24-4.6(E)(2) – It may be worth clarifying that **new** utility lines in the MXD Zone

shall be placed underground.

- Sec. 24-7.4(E) – It may be worth defining what is meant by BRT in this specific context. For example, I think certain portions of the MD 355 BRT are going to be in mixed traffic. I would hate for there to be a fight on whether this is considered BRT.
- Article 11 - . As discussed, I think it would be very helpful to have summary charts showing which authorities (e.g., Mayor and City Council, Planning Commission) approve which items (sketch plan, SDP, FSP) in the final version of the code.
- Article 12 – I realize we may not agree on this, but I do think there’s still a place for sketch plan amendments.
- Article 14 – This may be more of a policy issue, but I do think it’s worth removing a possibility of moratoriums due to school capacity (as it is the County and not the City that decides school construction). It may also be worth removing the fire and emergency services capacity (Rockville has done this, and police/fire services are assumed to be adequate in the County unless there is evidence a problem will be generated). Just food for thought.

Thanks again for all of your hard work. You guys should be proud.

Best,  
Phil

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