Third Supplemental and Amended and Restated Declaration and Grant of Easements, Covenants and Restrictions
(Montgomery Village Professional Center)

This Third Supplemental and Amended and Restated Declaration and Grant of Easements, Covenants, and Restrictions (this "Third Supplemental Declaration") is made this 15th day of November, 2016, by and between DBUBS 2011-LC2-MONTGOMERY, LLC, its heirs, successors and assigns, (the "Declarant") and Montgomery Village Foundation, Inc., a non-profit corporation, incorporated under the laws of the State of Maryland, its heirs, successors and assigns, (the "Foundation").

Recitals

1) The land and premises subject to this Third Supplemental Declaration are described as:

BEING ALL OF Lot 27 and Lots 29 through 34, as delineated on a Plat of Subdivision entitled "Whetstone Professional Center, Montgomery Village," Plat 96 and recorded in Plat Book 89 at Plat 9561 among the Land Records of Montgomery County, Maryland, and also all of Lot 35 and Parcel 3-C as delineated on plat of subdivision entitled, "Whetstone Professional Center, Montgomery Village," Plat 178 and recorded in Plat Book 92 at Plat 9993 among the Land Records.

All or any part of the land and premises described above are subsequently referred to as the "Entire Premises."

2) The Declarant owns the Entire Premises pursuant to a certain Trustee's Deed, dated April 1, 2015 and recorded April 16, 2015 at Liber 50117 folio 173 among the Land Records.

3) A certain Declaration and Grant of Easements, Covenants and Restrictions (the "Declaration"), dated March 22, 1971, was recorded on April 7, 1971 at Liber 4056 folio 869 among the Montgomery County Land Records (the "Land Records").

4) The Declarant and the Foundation intend that the description of the land and premises identified in the Declaration as the "Entire Premises" be considered to be the identical description of the land and premises defined in this Third Supplemental Declaration as the "Entire Premises." If, however, there are any conflicts between the description of the land and premises between the Declaration and this Third Supplemental Declaration, the description of the land and premises as the "Entire Premises," as defined in this Third Supplemental Declaration, controls.
5) A certain Supplemental Declaration and Grant of Easements, Covenants and Restrictions (the "Supplemental Declaration"), dated November 19, 1973, was recorded on January 2, 1974, at Liber 4480 folio 791 among the Land Records. Such Supplemental Declaration amended the Declaration.

6) A certain Second Supplemental Declaration and Grant of Easements, Covenants and Restrictions (the "Second Supplemental Declaration"), dated December 15, 1986, was recorded on December 17, 1986, at Liber 7450 folio 884 among the Land Records. Such Second Supplemental Declaration amended the Declaration, as already amended by the Supplemental Declaration.

7) The Foundation consents to this Third Supplemental Declaration, as evidenced by the execution and acknowledgement of this Third Supplemental Declaration by its duly authorized agent, and consents pursuant to Paragraph 17, at pages 12-13 of the Declaration, as already amended by the Supplemental Declaration and the Second Supplemental Declaration.

8) With the Foundation's consent, the Declarant desires to amend, confirm, ratify, restate and supersede, as the case may be, the terms and conditions of the Declaration as already amended by the Supplemental Declaration and the Second Supplemental Declaration, so that this Third Supplemental Declaration shall render null and void all of the terms and conditions of the Declaration, the Supplemental Declaration and the Second Supplemental Declaration.

9) As the result of the Montgomery County Council approving the Montgomery Village Master Plan and the Montgomery County Council enacting the Sectional Map Amendment that rezoned the Entire Premises, the Declarant and the Foundation desire to facilitate the redevelopment of the Entire Premises by having this Third Supplemental Declaration recorded in the Land Records.

NOW, THEREFORE, the Declarant declares and the Foundation agrees as follows:

1. **Incorporation by Reference.**

   The recitals of this Third Supplemental Declaration and all Exhibits attached to this Third Supplemental Declaration are incorporated into this Third Supplemental Declaration by reference and made a substantive part of this Third Supplemental Declaration.

2. **Use of the Entire Premises.**

   2.1 Except as provided in Section 2.2, and subject to all of the other terms and conditions of this Third Supplemental Declaration, the Entire Premises may be used for any and all of the uses and according to the definitions and standards set forth in the attached Exhibit I which is incorporated by reference and for no other uses. The uses, definitions and standards set forth in the attached Exhibit I shall be interpreted so as to be the same as those
uses, definitions and standards designated as permitted, limited or conditional uses for the CRT zone, as provided in Chapter 59 of the Montgomery County Code, effective October 30, 2014, as amended, (the "Zoning Ordinance"). In addition, any such use must comply with all other federal, state and local laws and regulations, including without limitation, all of the other provisions of the Zoning Ordinance.

2.2 Notwithstanding anything herein to the contrary:

2.2.1 No drive thru, no gas service pump and no gas service station shall be permitted on the Entire Premises.

2.2.2 No single retail store may exceed thirty thousand (30,000) square feet of "net leasable area." "Net leasable area" means the actual square feet of the area leased to tenants and it does not include interior and exterior common areas, elevator shafts, stairways, or any other space devoted to cooling, heating, or other equipment.

2.2.3 No secondhand personal property establishments shall be permitted, as such term "secondhand personal property" is defined and is governed by Montgomery County Code Section 44A, as amended from time to time.

2.2.4 The Entire Premises shall not exceed the following development criteria:

2.2.4.1 The density shall not exceed a combined commercial and residential density of 1.25 floor area ratio ("FAR"), as the term "floor area ratio ("FAR")" is defined in the Zoning Ordinance.

2.2.4.2 1.0 floor area ratio ("FAR") for commercial development.

2.2.4.3 1.0 floor area ratio ("FAR") for residential development.

2.2.4.4 A height of 75 feet, as the term "height" is defined in the Zoning Ordinance.

2.3 The Declarant and the Foundation acknowledge and agree that the Zoning Ordinance is an organic statute that will change over time and further acknowledge and agree that the uses, definitions and standards set forth in Exhibit 1 shall be treated as organic that will change over time exactly like the Zoning Ordinance.

2.4 After the recordation of this Third Supplemental Declaration, the Entire Premises may be used for any and all of the uses and according to the definitions and standards set forth in the attached Exhibit 1 and as such uses,
definitions and standards are duly amended in the Zoning Ordinance over time through zoning text amendments or through any other Montgomery County legislation.

2.5 The Montgomery County Department of Permitting Services and its designees, successors and assigns are defined in this Third Supplemental Declaration as "DPS."

2.6 DPS shall be the agency responsible for determining whether uses, definitions and standards fall within a permitted, limited or conditional use under the CRT Zone of the Zoning Ordinance, as amended (the "CRT Zone").

2.7 If DPS determines that a use, and the related definition or standard, constitutes a permitted, limited or conditional use under the CRT Zone, and if such use is among those set forth in the attached Exhibit 1, DPS' determination shall govern also under this Third Supplemental Declaration.

2.8 The terms and conditions of this Third Supplemental Declaration shall govern any conflict in interpretation with the terms and conditions of the MVF Guidelines, defined below. This Third Supplemental Declaration shall not be superseded in whole or in part by any of the terms and conditions of the MVF Guidelines. Any provision of the MVF Guidelines that conflicts with the terms and conditions of this Third Supplemental Declaration shall be null and void and of no force and effect.

2.9 If the Zoning Ordinance is comprehensively rewritten so that the uses, definitions and standards provided in the CRT Zone are shown in a cross-reference table or similar document that indicates the former zoning ordinance provisions and the corresponding newly enacted zoning ordinance provision (the "New County Ordinance"), the Declarant and the Foundation shall be bound by the corresponding uses, definitions and standards, all of the other provisions, of the New County Ordinance, including, without limitation, the "grandfather" provisions that pertain to the continuation of permission to use, repair, replace and maintain existing structures, existing site design, existing uses, and to proceed under the preexisting law for applications pending as of the effective date of the New County Ordinance.


3.1 Definitions

3.1.1 "Commercial" means any uses other than Multi-family Residential and Single-family Residential uses.
3.1.2 "Multi-family Residential" means the following uses: Multi-Unit Living, Independent Living Facility for Seniors Or Persons With Disabilities, Residential Care Facility, or any Accessory Residential Use that is accessory to any such use.

3.1.3 "Single-family Residential" means the following uses: Single Unit Living, Two-Unit Living and Townhouse Living, or any Accessory Residential Use that is accessory to any such use.

3.2 For any Commercial use, and any Multi-Unit Residential use, and subject to the terms and conditions of Section 2.8, in addition to complying with all federal, state and local laws and regulations, including without limitation, the Zoning Ordinance, the Declarant shall comply with all of the terms and conditions, as amended from time to time, of the Guidelines for Non-Residential Architectural Standards and the Commercial Architectural Review Committee (the "MVF Guidelines"), a current and complete copy of such terms and conditions is attached as Exhibit 2 and incorporated by reference. Within fifteen (15) days after the Declarant sends to the Foundation a Notice that the Declarant requests a current copy of the MVF Guidelines, the Foundation shall transmit to the Declarant a current copy of the MVF Guidelines.

3.3 For any Single-family Residential use, and subject to the terms and conditions of Section 2.8, in addition to complying with all federal, state and local laws and regulations, including without limitation, the Zoning Ordinance, the Declarant shall comply with the terms and conditions set forth under Article VIII, Architectural Control Committee, Section 1. Review of Committee, at page 13, of that certain Declaration of Covenants, Conditions and Restrictions, dated August 14, 1967, and recorded August 15, 1967 at Liber 3651 folio 402 among the Land Records, which is incorporated by reference.

4. Notice to the Foundation Regarding Redevelopment.

The term "Development Applications" shall mean any applications and any amendments to any such applications related to obtaining entitlements to:

4.1 redevelop the Entire Premises as provided in the Zoning Ordinance and any other applicable Montgomery County Code provisions, and any other federal, state and local laws, as amended, including, without limitation, subdivision, sketch plan, site plan, preliminary plan, local map amendment, conditional use and record plat; or

4.2 use any existing improvements, post redevelopment of the Entire Premises.
Notwithstanding any federal, state or local laws or regulations to the contrary, and in addition to any federal, state or local laws or regulations, the Declarant shall Notify the Foundation of any and all Development Applications within ten (10) days after the filing of any Development Applications with any governmental authority.

5. Maintenance.

The Foundation shall have the right but not the responsibility to oversee the maintenance of the exterior of the Entire Premises. If the Foundation determines that the exterior of the Entire Premises are not being maintained in a manner compatible with Montgomery Village as a whole, then thirty (30) days after Notifying the Declarant, the Foundation shall have the right to enter the exterior of the Entire Premises and to cure any such default, and for such purpose the right to demand and collect reimbursement from the Declarant of the amount so expended or advanced, together with interest from date of such expenditure or advance at the rate of the then prevailing prime rate of interest, or the then generally prevailing prime rate in the metropolitan area of Washington.

Any claim for contribution or reimbursement and interest shall be a secured right and a secured obligation and a lien shall attach to the Entire Premises, effective upon recording of such lien among the Land Records. Any such lien shall, however, be subordinate to any first mortgage now or hereafter covering the Entire Premises, and any purchaser at any foreclosure or trustees' sale (as well as any grantee of deed in lieu of foreclosure or trustees' sale) under any such first mortgage shall take title free from any such existing lien but otherwise subject to the provision.

The rights but not the responsibility granted to the Foundation are not, nor shall they be construed to be, in derogation of the rights and responsibilities of the Declarant. The rights but not the responsibility granted to the Foundation are for the sole purpose of ensuring the continued attractiveness of the exterior of the Entire Premises and the maintenance and management thereof in a manner compatible with the larger community of Montgomery Village.


The Foundation and the Declarant retain all rights and responsibilities, including standing, to interact with all federal, state and local authorities as to the merits of any and all Development Applications.

The Foundation and the Declarant retain all rights and responsibilities to seek any and all legal and equitable remedies in a court of competent jurisdiction concerning the terms and conditions of this Third Supplemental Declaration.
7. Amendment of this Third Supplemental Declaration.

This Third Supplemental Declaration may be abrogated, modified, rescinded, or amended in whole or in part only with the consent of the Declarant and the Foundation by a written instrument, duly executed and acknowledged by the Declarant and the Foundation, and recorded among the Land Records.

8. Notice.

The capitalized terms "Notice," "Notify," "Notifies," and any similar permutation of the meaning of the word "notify" used in this Third Supplemental Declaration shall mean that a message shall be delivered in writing by: (i) certified mail; or (ii) delivered personally or by commercial courier; and in all cases evidencing delivery with a signed receipt; and addressed to the last known address of the intended recipient. The effective date of any such message shall be the day on which such message is delivered as indicated by the signed receipt.

Notices shall be addressed as listed below. Either party may change its address by sending Notice of the address change according to this section.

<table>
<thead>
<tr>
<th>If to the Foundation:</th>
<th>If to the Declarant:</th>
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<tbody>
<tr>
<td>David Humpton</td>
<td>David Witherspoon</td>
</tr>
<tr>
<td>Executive Vice President</td>
<td>Vice President</td>
</tr>
<tr>
<td>Montgomery Village Foundation</td>
<td>North Star Management Group</td>
</tr>
<tr>
<td>10120 Apple Ridge Road</td>
<td>433 East Las Colinas Boulevard</td>
</tr>
<tr>
<td>Montgomery Village, MD 20886</td>
<td>Suite 100</td>
</tr>
<tr>
<td></td>
<td>Irving, TX 75039</td>
</tr>
<tr>
<td>Phone: (301) 948-0110</td>
<td>Phone: (972) 865-0447</td>
</tr>
<tr>
<td>Email: <a href="mailto:dhumpton@mvf.org">dhumpton@mvf.org</a></td>
<td>Email: <a href="mailto:dwitherspoon@nsamgroup.com">dwitherspoon@nsamgroup.com</a></td>
</tr>
</tbody>
</table>

with a copy to:

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<thead>
<tr>
<th>If to the Foundation:</th>
<th>If to the Declarant:</th>
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<tbody>
<tr>
<td>Christopher Hitchens, Esq.</td>
<td>Timothy Dugan, Esq.</td>
</tr>
<tr>
<td>General Counsel</td>
<td>Shulman Rogers</td>
</tr>
<tr>
<td>Montgomery Village Foundation</td>
<td>12505 Park Potomac Avenue</td>
</tr>
<tr>
<td>10120 Apple Ridge Road</td>
<td>Potomac, Maryland 20854</td>
</tr>
<tr>
<td>Montgomery Village, MD 20886</td>
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</tr>
<tr>
<td>Phone: (301) 948-0110</td>
<td>Phone: 301-230-5200</td>
</tr>
<tr>
<td>Email: <a href="mailto:chitchens@mvf.org">chitchens@mvf.org</a></td>
<td>Email: <a href="mailto:tdugan@shulmanrogers.com">tdugan@shulmanrogers.com</a></td>
</tr>
</tbody>
</table>
9. **Utility Easements.**

Declarant ratifies and reconfirms any and all grants of easements to the Chesapeake and Potomac Telephone Company of Maryland, the Montgomery County Department of Public Works, the Potomac Electric Power Company, the Washington Gas Light Company and the Washington Suburban Sanitary Commission, and their respective successors and assigns, in, under, over, and upon the Entire Premises for the purpose of locating, constructing, maintaining, repairing and replacing utilities serving the Entire Premises.

10. **Annexation or A Contractual Relationship Short of Annexation**

10.1 **Definitions**

10.1.1 "Montgomery Village" shall mean and refer to all properties shown on the Town Sector Plan identified and described in zoning application #E-327 approved by the Montgomery County Council on August 24, 1965, in resolution #5-2084, together with those adjacent properties as shown on said Town Sector Plan and any additions or deletions to any of the aforementioned properties, and intending to be the same land area as more recently described and referenced in Montgomery County Council Resolution No. 18-534, adopted June 21, 2016 as Sectional Map Amendment H-112.

10.1.2 "Community" shall mean an exclusive residential community with permanent parks, playgrounds, open spaces, streets, roads, walkways and other facilities for the benefit of the said community established through the granting of specific rights, privileges and easements of enjoyment which may be shared and enjoyed by all residents of such Community.

10.1.3 "Common Properties" shall mean and refer to all land, improvements and other properties heretofore or hereafter owned or in the possession of the Montgomery Village Foundation.

10.1.4 "Community Properties" shall mean and refer to all land, improvements and other properties heretofore or hereafter owned or in the possession of a residential community.

10.1.5 "Private Dwelling Unit" shall mean and refer to all living units located on the Entire Premises and excepting a Multi-family Residential Unit.

10.1.6 "Multi-family Residential Unit" shall mean and refer to any living unit within a building or group of buildings located on the Entire Premises and containing two or more living units designed and
operated for rental purposes or ownership purposes, such as a townhouse, a condominium or a cooperative.

10.2 Notwithstanding that the Entire Premises have been heretofore used only for commercial offices, in recognition that the terms and conditions of this Third Supplemental Declaration will also permit development of Multi-family Residential and Single-family Residential uses, the Parties declare their intention that any Multi-family Residential or Single-family Residential use developed on the Entire Premises shall be:

10.2.1 Duly annexed into Montgomery Village and become subject to the jurisdiction of the Montgomery Village Foundation, with the same obligations and benefits of other members of the Montgomery Village Foundation, including without limitation, the obligations and benefits associated with using the Common Properties; and

10.2.2 Duly subjected to a newly established Community or incorporated into an existing Community, and generally subject to substantially the same terms and conditions, including without limitation, the obligations and benefits associated with using Community Properties, as set forth in that certain Declaration of Covenants, Conditions, and Restrictions dated August 14, 1967 and recorded on August 15, 1967 at Liber 3651 folio 402 among the Land Records.

10.3 The Parties further declare that in the event that the events described in Section 10.2 do not occur, the Parties will endeavor in good faith to enter into a contractual relationship whereby any person who is a record owner of a fee or undivided fee interest in any Multi-family Residential Unit or a Single-family Residential Unit would be entitled to substantially the same benefits and burdens as a member of the Montgomery Village Foundation including, without limitation, the use of the Common Properties (a "Contract Member"), provided that such contractual relationship shall provide that a Contract Member shall not include any person or entity who holds such interest merely as security for the performance of an obligation. The contractual relationship would provide without limitation that:

10.3.1 A Contract Member is notified that such person holds no voting rights as to elections relating to the governance of the Montgomery Village Foundation; and

10.3.2 When a Multi-family Residential Unit or a Single-family Residential Unit is first occupied, all contractually-provided privileges, assessments and charges would become fully effective; thereafter, all contractually-provided privileges, assessments and
Third Supplemental and Amended and Restated Declaration and Grant of Easements, Covenants and Restrictions (Montgomery Village Professional Center)

charges would be fully effective whether any such Multi-family Residential Unit or a Single-family Residential Unit is occupied or not.

[SIGNATURE PAGES FOLLOW.]
IN WITNESS WHEREOF, the Declarant has duly executed this Third Supplemental and Amended and Restated Declaration and Grant of Easements, Covenants and Restrictions as of the date and year written on the first page of this instrument.

DBUBS 2011-LC2-MONTGOMERY, LLC

By: ______________ authorized agent

STATE OF MARYLAND

COUNTY OF Dallas

to wit:

I HEREBY CERTIFY that on this 1st day of November, 2016, before me, a Notary Public in and for the State and County aforesaid, personally appeared Robert S. Riggs, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument as the duly appointed and authorized agent of DBUBS 2011-LC2-MONTGOMERY, LLC, and that he/she, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing his/her name on behalf of NorthStar.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Sheila Thomas

My Commission Expires: (NOTARIAL SEAL)
IN WITNESS WHEREOF, this Third Supplemental Declaration is hereby executed and acknowledged by the Montgomery Village Foundation, Inc., a non-profit corporation, incorporated under the laws of the State of Maryland, its heirs, successors and assigns, pursuant to Paragraph 17, at pages 12-13 of the Declaration, as evidenced by the signing below of this Third Supplemental Declaration by the Foundation official duly authorized to do so.

Montgomery Village Foundation, Inc.

Executed and Acknowledged:

Michael N. Conroy
Corporate Secretary

By:

Peter C. Young
President, Board of Directors
Exhibits List

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Uses Chart</td>
</tr>
<tr>
<td>2.</td>
<td>Guidelines for Non-Residential Architectural Standards and the Commercial Architectural Review Committee</td>
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### Exhibit 1 of Third Supplemental Declaration

**Table of Uses Definitions and Standards From the Montgomery County Zoning Ordinance Under Section 3.1.6 Use Table**

<table>
<thead>
<tr>
<th>Paragraph Number With Definition and Standards</th>
<th>Detail Beginning At Page No.</th>
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**Accessory Residential Uses**

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**Civic and Institutional**

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This Exhibit 1 is subject to all of the terms and conditions of the Third Supplemental Declaration.
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This Exhibit 1 is subject to all of the terms and conditions of the Third Supplemental Declaration.
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1) Household Living

**Section 3.3.1. Household Living**

A. Defined, In General
Household Living means the residential occupancy of a dwelling unit by a household on a monthly or longer basis.

2) Single Unit Living

B. Single-Unit Living
1. Defined
Single-Unit Living means one dwelling unit contained in a detached house building type.

\(^1\) Note: The Retail/Service Establishment is limited to thirty thousand (30,000) SF notwithstanding that the Zoning Ordinance use category allows for density up to fifty thousand (50,000) SF. Please also refer to the terms and conditions of the Third Supplemental Declaration.

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This Exhibit 1 is subject to all of the terms and conditions of the Third Supplemental Declaration.
3) Two Unit Living
   C. Two-Unit Living
      1. Defined
      Two-Unit Living means 2 dwelling units contained in a duplex building type.

4) Townhouse Living
   D. Townhouse Living
      1. Defined
      Townhouse Living means 3 or more dwelling units in a townhouse building type.

5) Multi-Unit Living
   E. Multi-Unit Living
      1. Defined
      Multi-Unit Living means dwelling units in an apartment or multi use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.

6) Independent Living Facility for Seniors Or Persons With Disabilities
   C. Independent Living Facility for Seniors or Persons with Disabilities
      1. Defined
      Independent Living Facility for Seniors or Persons with Disabilities means a building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with Disabilities includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.

7) Residential Care Facility
   E. Residential Care Facility
      1. Defined, In General
      Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:
      a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
      b. resident staff necessary for operation of the facility are allowed to live on-site; and
      c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.
Residential Care Facility includes a nursing home, an assisted living facility, a continuing care retirement community, a hospice, and a group home. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see Section 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

8) Residential Care Facility (Up to 8 Persons)

9) Residential Care Facility (9 - 16 Persons)

10) Residential Care Facility (Over 16 Persons)

c. Residential Care Facility (Over 16 Persons)
   i. Where a Residential Care Facility (Over 16 Persons) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.

11) Home Health Practitioner General and Use Standards for All Home Health Practitioners

G. Home Health Practitioner

1. Defined, In General
Home Health Practitioner means the office of a health practitioner who is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene, has an advanced degree in the field from an accredited educational institution, and who resides in the dwelling unit in which the office is located. Home Health Practitioner includes a registered nurse or physician's assistant if that person has an advanced degree in the field and practices independently. Home Health Practitioner does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.

2. Use Standards for All Home Health Practitioners
   a. A Home Health Practitioner is prohibited in an apartment, multi use, and general building type.
   b. Screening under Division 6.5 is not required.
   c. To maintain the residential character of the dwelling:
      i. The use must be conducted by an individual or individuals residing in the dwelling unit.
      ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the
dwellings for residential purposes and any external modifications must be consistent with the residential appearance of the dwelling unit.
iii. Exterior storage of goods or equipment is prohibited.
iv. The maximum amount of floor area used for the Home Health Practitioner is 33% of the eligible floor area of the dwelling unit plus any existing accessory building on the same lot, or 1,500 square feet, whichever is less.
v. An existing accessory building may be used for the home health practice, but external evidence of such use is prohibited. Only one accessory building may be used and it must be an eligible area.
vi. Equipment or facilities are limited to:
   (a) office equipment; or
   (b) medical equipment.
vii. Any equipment or process that creates a nuisance or violates any law is prohibited in connection with the operation of a home health practice.
viii. Disposal of medical waste must be regulated by State laws and regulations.
ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
x. Appointments are required for visits, but emergency patients may visit outside the specified hours or without appointment.
xi. Clients, patients, or other visitors must be informed of the correct address and parking location.
xii. In a Residential zone, any additional parking must be located behind the front building line.
d. The applicant must provide valid proof of home address as established by Executive regulations under Method 2 of Chapter 2 (Section 2A-15).
e. In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

12) Home Health Practitioner (Low Impact)

3. **Home Health Practitioner (Low Impact)**
   a. **Defined**
   Home Health Practitioner (Low Impact) means a Home Health Practitioner that is limited to 2 resident health practitioners and one non-resident support person in a 24-hour period.
   b. **Use Standards**
   Where a Home Health Practitioner (Low Impact) is allowed as a limited use, it must satisfy the following standards:
   i. Treatment of more than one patient or client at a time is allowed, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time.
ii. The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.

iii. A maximum of one Home Occupation (Low Impact) and one Home Health Practitioner (Low Impact) is allowed.

iv. An indoor waiting room must be provided if more than one patient or client will be on the premises at the same time.

v. Parking must be screened under Section 6.2.9.B or Section 6.2.9.C, depending on the number of parking spaces provided.

c. Registration

Any Home Health Practitioner (Low Impact) must register with DPS.

i. Application Requirements

An application for registration must include the following:

(a) a signed affidavit of compliance that affirms that the applicant:

(1) satisfies the applicable standards in Section 3.3.3.G; and

(2) will take whatever action is required by DPS to bring the Home Health Practitioner (Low Impact) into compliance if complaints of noncompliance are received and verified;

(b) the manner in which the operation of the Home Health Practitioner (Low Impact) satisfies the use standards in Section 3.3.3.G;

(c) the location of the lot by street address and either lot and block number or liber and folio;

(d) the zone in which the lot is located;

(e) area of the lot or parcel, in square feet or acres;

(f) the total floor area of the dwelling unit and the amount of floor area to be used for the Home Health Practitioner (Low Impact), as well as the floor area of any existing accessory building to be used for the Home Health Practitioner (Low Impact);

(g) the location and number of off-street parking spaces;

(h) proof of home address;

(i) other pertinent information required by DPS;

(j) a copy of the use-and-occupancy permit required under Section 7.4.2; and

(k) the location of any indoor waiting room for patients, if more than one patient will be on the premises at the same time.

ii. Approval

(a) DPS must issue a Certificate of Registration if the applicant:

(1) satisfies Section 3.3.3.G; and

(2) has an approved on-site inspection.

(b) DPS must maintain a Home Health Practitioner Registry that is readily available for public inspection.

iii. Compliance and Enforcement
(a) If DPS receives a complaint about a Home Health Practitioner (Low Impact), an inspector must inspect the property and determine, within 90 days after receipt of the complaint, whether there is a violation of the provisions of Section 3.3.3.G.
(b) If DPS determines that there is a violation, DPS may issue a warning notice, and the violation must be corrected within 30 days after the warning notice is issued.
(1) In the case of any violation that could be remedied with a conditional use approval, a petition must be filed within 60 days after the warning notice is issued for a conditional use for a Home Health Practitioner (Major Impact) under Section 3.3.3.G.4.
(2) A hearing on a petition for a conditional use filed in the case of a Home Health Practitioner (Low Impact) found to be in violation of Section 3.3.3.G must be scheduled within 30 days, or as soon as the Hearing Examiner's calendar permits. The Hearing Examiner does not have authority to grant the applicant any extension of the hearing in such a case.
(3) Operation of the Home Health Practitioner (Low Impact) may continue until the Hearing Examiner has acted on the petition, if the violation is corrected before the application for conditional use is filed. If the Hearing Examiner denies the conditional use application, the Home Health Practitioner (Low Impact) must cease immediately or operate under the requirements for a Home Health Practitioner (Low Impact).
(c) DPS may issue a citation under Division 7.8:
(1) immediately, instead of a warning notice under Section 3.3.3.G.3.c.iii(b); or
(2) 30 days or more after the warning notice was issued under Section 3.3.3.G.3.c.iii(b).

13) Home Occupation

H. Home Occupation
1. Defined, In General
Home Occupation means any occupation that provides a service or product and is conducted within a dwelling unit by a resident of the dwelling unit. Home Occupation does not include Home Health Practitioner (see Section 3.3.3.G, Home Health Practitioner), Bed and Breakfast (see Section 3.5.6.B, Bed and Breakfast), Day Care Facility (see Section 3.4.4, Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see Section 3.5.5, Landscape Contractor), or Educational Institution (Private) (see Section 3.4.5, Educational Institution (Private)).
2. Use Standards for all Home Occupations
a. Screening under Division 6.5 is not required.
b. To maintain the residential character of the dwelling:
i. The use must be conducted by an individual or individuals residing in the dwelling unit.

ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.

iii. Exterior storage of goods or equipment is prohibited.

iv. The maximum amount of floor area used for the Home Occupation must not exceed 33% of the total eligible area of the dwelling unit and any existing accessory building on the same lot, or 1,500 square feet, whichever is less.

v. An existing accessory building may be used for the Home Occupation, but external evidence of such use is prohibited. Only one accessory building may be used and it must be an eligible area.

vi. Equipment or facilities are limited to:

(a) domestic or household equipment;

(b) office equipment; or

(c) any equipment reasonably necessary for art production, handcrafts, or making beer or wine.

vii. Any equipment or process that creates a nuisance or violates any law is prohibited in the operation of a Home Occupation.

viii. A Home Occupation is prohibited to use, store, or dispose of:

(a) a quantity of a petroleum product sufficient to require a special license or permit from The Fire Marshal; or

(b) any material defined as hazardous or required to have a special handling license under State and County law.

ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

x. Display or storage of merchandise to be delivered must not be visible outside of the residence and must be contained within the maximum floor area available for the Home Occupation.

xi. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.

xii. A second kitchen in the home for catering or making food for off-site delivery or sales is prohibited.

xiii. The maintenance or repair of motor vehicles for compensation is prohibited.

14) Home Occupation (No Impact)

3. Home Occupation (No Impact)
a. Defined
Home Occupation (No Impact) means a Home Occupation that is not required to register with DPS, prohibits non-resident employees, and is not regulated under Section 7.3.1, Conditional Use.

b. Use standards
Where a Home Occupation (No Impact) is allowed as a limited use, it must satisfy the following standards:

i. The maximum number of visits and deliveries for all Home Occupations (No Impact) on-site is 5 per week. In R-90 and R-60 zones, a maximum of 2 vehicles visiting the Home Occupation (No Impact) may be parked on the lot at the same time.

ii. In-person sale of goods is prohibited.

iii. Display or storage of goods is limited to samples of merchandise that may be ordered by customers for delivery at other locations.

15) Home Occupation (Low Impact)

4. Home Occupation (Low Impact)
   a. Defined
   Home Occupation (Low Impact) means a Home Occupation that is limited to one non-resident employee in any 24-hour period and is required to register with DPS.

   b. Use Standards
   Where a Home Occupation (Low Impact) is allowed as a limited use, it must satisfy the following standards:

   i. The maximum number of visits is 20 per week, and no more than 5 per day (excluding deliveries and the arrival and departure of any non-resident employee) for all Home Occupations on-site. In R-90 and R-60 zones, a maximum of 2 vehicles visiting the Home Occupation (Low Impact) may be parked on the lot at the same time.

   ii. In-person sale of goods is limited to:
   (a) handcrafts, art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry, pottery, and musical instruments, which are produced on-site by a resident of the dwelling; and
   (b) no more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).

   iii. Display or storage of goods is limited to:
   (a) products listed in Section 3.3.3.H.4.b.ii.(a); and
   (b) samples of merchandise that may be ordered by customers for delivery at other locations.

   iv. The maximum number of Home Occupations (Low Impact) allowed in a single dwelling unit is 2.

   v. The applicant must provide valid proof of home address as established by Executive regulations under Method 2 of Chapter 2 (Section 2A-15).

This Exhibit 1 is subject to all of the terms and conditions of the Third Supplemental Declaration.
vi. In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

**c. Registration**

Any Home Occupation (Low Impact) must register with DPS.

**i. Application Requirements**

An application for registration must include the following:

(a) a signed affidavit of compliance that affirms that the applicant:

(1) satisfies the applicable standards in Section 3.3.3.H; and

(2) will take whatever action is required by DPS to bring the Home Occupation (Low Impact) into compliance if complaints of noncompliance are received and verified;

(b) the manner in which the operation of the Home Occupation (Low Impact) satisfies the use standards in Section 3.3.3.H;

(c) the location of the lot by street address and either lot and block number or liber and folio;

(d) the zone in which the lot is located;

(e) area of the lot or parcel, in square feet or acres;

(f) the total floor area of the dwelling unit and the amount of floor area to be used for the Home Occupation (Low Impact), as well as the floor area of any existing accessory building to be used for the Home Occupation (Low Impact);

(g) the location and number of off-street parking spaces;

(h) proof of home address; and

(i) other pertinent information required by DPS.

**ii. Approval**

(a) DPS must issue a Certificate of Registration if the applicant:

(1) satisfies Section 3.3.3.H; and

(2) has an approved on-site inspection.

(b) DPS must maintain a Home Occupation Registry that is readily available for public inspection.

**iii. Compliance and Enforcement**

(a) If DPS receives a complaint about a Home Occupation (Low Impact), an inspector must inspect the property and determine, within 90 days after receipt of the complaint, whether there is a violation of the provisions of Section 3.3.3.H.

(b) If DPS determines that there is a violation, DPS may issue a warning notice, and the violation must be corrected within 30 days after the warning notice is issued.

(1) In the case of any violation that could be remedied with a conditional use approval, a petition must be filed within 60 business days after the warning notice is issued for a conditional use for a Home Occupation (Major Impact) under Section 3.3.3.H.

(2) A hearing on a petition for a conditional use filed in the case of a Home Occupation (Low Impact) found to be in violation of Section 3.3.3.H must be...
scheduled within 30 days, or as soon as the Hearing Examiner’s calendar permits. The Hearing Examiner does not have authority to grant the applicant any extension of the hearing in such a case.

(3) Operation of the Home Occupation (Low Impact) may continue until the Hearing Examiner has acted on the petition, if the violation is corrected before the application for conditional use is filed. If the Hearing Examiner denies the conditional use application, the Home Occupation (Low Impact) must cease immediately or operate under the requirements for a Home Occupation (Low Impact).

(c) DPS may issue a citation under Division 7.8:
(1) immediately, instead of a warning notice under Section 3.3.3.H.4.c.iii.(b); or
(2) 30 days or more after the warning notice was issued under Section 3.3.3.H.4.c.iii.(b).

16) Cultural Institution

Section 3.4.3. Cultural Institution
A. Defined
Cultural Institution means any privately owned or operated structure and land where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art exhibit, and library.

17) Family Day Care up to 8 persons, Group Day Care Up to 9-30 Persons and Group Day Care (Over 30 Persons)

Section 3.4.4. Day Care Facility
A. Defined, In General
Day Care Facility means an establishment where care is provided for less than 24 hours a day, for which the provider is paid, for any of the following: children under the age of 17 years; developmentally disabled persons; handicapped individual; or any elderly individual. Day Care Facility includes accessory preschool and kindergarten educational programs that are accredited by the State.

B. Exemptions
The conditional use standards in Section 3.4.4.E.2.b and Section 3.4.4.F.2.b.i through Section 3.4.4.F.2.b.v do not apply to a Day Care Center operated by a nonprofit organization and located in:
1. a structure owned or leased by a religious organization and used for worship, or a structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship;
2. a structure used for private, parochial education purposes that is exempted from the conditional uses standards under Section 3.4.5, Educational Institution (Private); or
3. a publicly-owned building.

C. Family Day Care (Up to 8 Persons)

Defined

Family Day Care (Up to 8 Persons) means a Day Care Facility for a maximum of 8 people in a dwelling where for child day care the registrant is the provider and a resident, or the registrant is not a resident but more than half the children cared for are residents. The provider’s own children under the age of 6 are counted within the group of 8. For care of senior adults or persons with disabilities the registrant is the provider. Family Day Care (Up to 8 Persons) does not include more than 2 non-resident staff members on-site at any time or a provider that is not a resident and does not meet the requirement for a non-resident provider (see Section 3.4.4.E, Day Care Center (13-30 Persons)).

D. Group Day Care (9 -12 Persons)

1. Defined

Group Day Care (9-12 Persons) means a Day Care Facility for 9 to 12 people where staffing, operations, and structures comply with State and local regulations and the provider’s own children under the age of 6 are counted towards the maximum number of people allowed.

E. Day Care Center (13 - 30 Persons)

1. Defined

Day Care Center (13-30 Persons) means a Day Care Facility for 13 to 30 people where staffing, operations, and structures satisfy State and local regulations. A Day Care Center (13-30 Persons) includes a Family Day Care (Up to 8 Persons) and Group Day Care (9-12 Persons) where the provider is not a resident and cannot meet the non-resident provider requirement.

F. Day Care Center (Over 30 Persons)

1. Defined

Day Care Center (Over 30 Persons) means a Day Care Facility for over 30 people where staffing, operations, and structures comply with State and local regulations and is not located in a townhouse or duplex building type.
18) Educational Institution (Private)

Section 3.4.5. Educational Institution (Private)
A. Defined
Educational Institution (Private) means a private school or educational or training academy providing instruction or programs of learning. Educational Institution (Private) includes tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are not enrolled as students in the institution’s academic program. Educational Institution (Private) does not include schools operated by the County Board of Education or education conducted in the provider's home as a Home Occupation (See Section 3.3.3.H, Home Occupation).

19) Playground, Outdoor Area (Private)

Section 3.4.8. Playground, Outdoor Area (Private)
Defined
Playground, Outdoor Area (Private) means an area used for outdoor recreation, often containing recreational equipment such as slides or swings. Playground, Outdoor Area (Private) includes both passive and active facilities, trails, and greenways.

20) Public Use (Except Utilities)

Section 3.4.9. Public Use (Except Utilities)
Defined
Public Use (Except Utilities) means a publicly-owned or publicly operated use. Public Use (Except Utilities) includes County office buildings, maintenance facilities, public schools and parks, post office, State and Federal buildings. Public Use (Except Utilities) does not include a Public Utility Structure (see Section 3.6.7.E, Public Utility Structure).

21) Religious Assembly

Section 3.4.10. Religious Assembly
A. Defined
Religious Assembly means a meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.
22) Restaurant

Section 3.5.3. Eating and Drinking
B. Restaurant
1. Defined
Restaurant means any structure and land for the preparation and sale of food or drink for consumption. Restaurant includes catering, take-out services, and banquet facilities, but does not include a Drive-Thru (see Section 3.5.14.E, Drive-Thru).

23) Bed and Breakfast

Section 3.5.6. Lodging
B. Bed and Breakfast
1. Defined
Bed and Breakfast means a detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfasts to guests.

2. Use Standards
a. Where a Bed and Breakfast is allowed as a limited use, it must satisfy the following standards:
   i. A Bed and Breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a Farm Tenant Dwelling, or on a site that includes an Accessory Apartment.
   ii. The display of a sign must include the official house number.
   iii. Breakfast is the only meal that may be served and only to overnight guests.
   iv. A guest must only remain in a Bed and Breakfast for a maximum of 14 days in any one visit.
   v. A record of all overnight visitors must be maintained.
   vi. The Bed and Breakfast must be registered with DPS.
   vii. In the Agricultural, Rural Residential, and Residential zones, the minimum lot area is the greater of 9,000 square feet or the minimum lot area for a detached house building type in the zone.
   viii. In the Agricultural, Rural Residential, and Residential zones, on a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
   ix. In the Agricultural and Rural Residential zones, a Bed and Breakfast may be allowed in an accessory building designated as historic on the Master Plan for Historic Preservation.
   x. Parking must be located behind the front building line.
   xi. In the AR zone, this use may be prohibited if not accessory to Farming under Section 3.1.5, Transferable Development Rights.
24) Clinic (Up to 4 Medical Practitioners)

Section 3.5.7. Medical and Dental
A. Clinic (Up to 4 Medical Practitioners)
   1. Defined
      Clinic (Up to 4 Medical Practitioners) means a building occupied by up to 4
      medical practitioners and related services to provide healthcare on an outpatient
      basis.

25) Clinic (More than 4 Medical Practitioners)

Section 3.5.7. Medical and Dental
B. Clinic (More than 4 Medical Practitioners)
   1. Defined
      Clinic (More than 4 Medical Practitioners) means a building occupied by more
      than 4 medical practitioners and related services to provide healthcare on an
      outpatient basis. Clinic (More than 4 Medical Practitioners) does not include
      emergency medical care accessory to a Hospital.

26) Medical, Dental Laboratory

Section 3.5.7. Medical and Dental
C. Medical, Dental Laboratory
   Defined
      Medical, Dental Laboratory means a private, non-profit, or research facility for the
      testing of blood and other clinical specimens, including a blood or plasma
      donation center. Medical, Dental Laboratory includes the fabrication of medical or
      dental appliances.

27) Office

Section 3.5.8. Office and Professional
B. Office
   1. Defined
      Office means a room, set of rooms, or a building where the business of a
      commercial or industrial organization or of a professional person is conducted.
      Office includes a chancery, but does not include medical or dental services (see
      Section 3.5.7, Medical and Dental) or Veterinary Office/Hospital (see Section
      3.5.1.C, Veterinary Office/Hospital).
28) Structured Parking Defined

Section 3.5.9. Parking
B. Structured Parking Defined
Structured Parking means a one or more level free-standing structure for parking or storing motor vehicles that does not share a common floor or ceiling with another use allowed in the zone. Structured Parking does not include Surface Parking.

29) Surface Parking for Use Allowed in the Zone

Section 3.5.9. Parking
C. Surface Parking for Use Allowed in the Zone
   1. Defined
Surface parking for Use Allowed in the Zone means surface parking in connection with any permitted or limited use allowed in the zone where no building or other use requiring parking is on the same lot.

30) Conference Center

Section 3.5.10. Recreation and Entertainment
C. Conference Center
   1. Defined
Conference Center means a facility for conducting meetings, discussions, and conferences. Conference Center includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Conference Center does not include a Hotel, Motel (see Section 3.5.6.C, Hotel, Motel).

31) Health Clubs and Facilities

Section 3.5.10. Recreation and Entertainment
E. Health Clubs and Facilities
   1. Defined
Health Clubs and Facilities means any establishment designed to enhance the physical conditioning and general health of participants. Health Clubs and Facilities includes dance, martial arts, and yoga studios.

32) Retail/Service Establishment

Section 3.5.11. Retail Sales and Service
B. Retail/Service Establishment
   1. Defined
Retail/Service Establishment means a business providing personal services or sale of goods to the public. Retail/Service Establishment does not include Animal Services (see Section 3.5.1, Animal Services) or Drive-Thru (see Section 3.5.14.E, Drive-Thru).

33) Antenna on Existing Structure

Section 3.5.14. Accessory Commercial Uses
C. Antenna on Existing Structure
1. Defined
Antenna on Existing Structure means one or more antennas attached to an existing support structure, such as a building, a transmission tower, a monopole, a light pole, a water tank, a silo, a barn, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.

2. Use Standards
Where an Antenna on Existing Structure is allowed as a limited use, it must satisfy the following standards:
a. Antennas are limited to the following types and dimensions:
i. omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches;
ii. directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet;
iii. satellite or microwave dish antennas with a maximum diameter of 8 feet; and
iv. small cell antennas with a maximum height of 3 feet and a maximum width of 2 feet.
b. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
c. Associated equipment must be located in an unmanned building, equipment cabinet, or equipment room in an existing building. An equipment building must satisfy the following standards:
i. It is a maximum of 560 square feet in area; however, a single equipment building in excess of 560 square feet, located at ground level, may be used if:
   (a) the overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
   (b) the building is used for more than one telecommunications provider operating from the same monopole or tower; and
   (c) the building is reviewed by the Telecommunications Transmission Facility Coordinating Group under Chapter 2 (Section 2-58E).
ii. It is a maximum of 14 feet in height, including the support structure for the equipment building.
iii. If the equipment building or cabinet is at ground level in a Residential zone, or the nearest abutting property is in a Residential zone, and the equipment building or cabinet is more than 4 feet in height, including the support structure, the building or cabinet must be faced with brick or other material compatible with the surrounding neighborhood on all sides and the equipment must be surrounded by landscaping of at least 3 feet in height.

d. Except for a small cell antenna that satisfies Section 3.5.14.C.2.a.iv, when mounted on a rooftop or structure located on privately owned land, the antenna must meet the following standards:

i. An antenna is prohibited:
   (a) on any detached house or duplex building type or an accessory structure associated with either building type; and
   (b) in any scenic setback indicated in a master plan.

ii. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop if a building is a minimum height of:
   (a) 50 feet in any Residential Detached zone; or
   (b) 30 feet in any Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone.

iii. An antenna may be mounted on the facade of a building at a minimum height of:
   (a) 50 feet in a Residential Detached zone; or
   (b) 30 feet in any Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zone.

iv. The antenna must not be attached to the support structure for:
   (a) an antenna that is part of an Amateur Radio Facility licensed by the Federal Communications Commission; or
   (b) an antenna to receive television imaging in the home.

e. When located at least 60 feet from a detached house or a duplex building type, a small cell antenna that satisfies Section 3.5.14.C.2.a.iv may be installed on any existing structure, at a minimum height of 15 feet, in any zone where an antenna on an existing structure is allowed.

34) Live/Work Unit

Section 3.5.14. Accessory Commercial Uses
II. Live/Work Unit Defined
Live/Work Unit means a building, or a space within a building, that combines space for a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household.
35) Construction Administration or Sales Office

Section 3.5.1.5. Temporary Commercial Uses

A. Construction Administration or Sales Office

1. Defined

Construction Administration or Sales Office means a temporary office for construction administration or real estate sales.

2. Use Standards

Where a Construction Administration or Sales Office is allowed as a limited use, it must satisfy the following standards:

a. A temporary use permit and an use-and-occupancy permit are required.

b. The use is limited to the construction, development, or sale of buildings or structures within the same site or subdivision.

c. The use is allowed only for the duration of construction and sale of a project.

d. A temporary outdoor storage yard for construction equipment or building materials and supplies that is located within 300 feet of any occupied residentially developed property and is to be maintained in the same general location for a minimum of one year must be effectively screened from the residential development by natural features or a solid fence with a maximum height of 6.5 feet.

e. A Construction Administration or Sales Office, including any associated trailer, building, or portable toilet, that is located within 100 feet of an occupied residentially developed property:

i. must be landscaped and maintained; and

ii. may be approved for a maximum of one year. Extensions may be approved by DPS for additional one year periods. If a public hearing is held on the extension, the applicant must demonstrate to DPS that a more appropriate location for such use, farther removed from the residential development, does not exist on the site. This finding will not be required if the extension requested does not exceed 6 months.

f. Any Construction Administration or Sales Office, including an outside storage area, located a minimum of 100 feet from an occupied residentially developed property may be approved for a maximum of 3 years. Extensions may be approved by DPS for additional 2 year periods.

g. The procedure to request an extension of a temporary use-and-occupancy permit for a Construction Administration or Sales Office is as follows:

i. The request must be filed with DPS.

ii. The applicant must demonstrate compliance with the landscaping and screening requirements of the original approval.

iii. If the use moves more than 200 feet from the originally approved location, then the applicant must apply for a new temporary use-and-occupancy permit.

iv. The applicant must provide notice by certified mail to all owners of property that adjoin such use stating that an extension has been requested and that the owners, if they wish to comment, must submit their comments concerning the extension to DPS within 20 days.

v. If any abutting property owner opposes continuance of the use, DPS must hold a public hearing before making a decision on the requested extension. A notice of such public hearing must be sent to all abutting property owners.
vi. DPS must decide on the extension within 5 days of the closing of the hearing record. In approving an extension, DPS may add additional reasonable conditions to the use-and-occupancy permit. DPS may deny an extension, with reasons for the denial stated in writing.

36) Artisan Manufacturing and Production

Section 3.6.4. Manufacturing and Production
A. Artisan Manufacturing and Production Defined
Artisan Manufacturing and Production means a structure used for the manufacture and production of commercial goods by a manual worker or craftsperson, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products. Artisan Manufacturing and Production does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.

37) Solar Collection System

Section 3.7.2. Solar Collection System
A. Defined
Solar Collection System means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.

B. Use Standards
Where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:
1. In the Agricultural, Rural Residential, Residential, Commercial/Residential, and Employment zones a Solar Collection System must be an accessory use as defined in Section 3.1.3.
2. Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.
3. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.
4. Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.
5. The following standards apply to a freestanding Solar Collection System:
a. In the Agricultural, Rural Residential, Residential, Commercial/Residential, and Employment zones, it is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure; however it may be located in the side yard of a property in a Rural Residential or Residential Detached zone if the main building is set back a minimum of 70 feet from the side lot line and the...
Solar Collection System is setback a minimum of 50 feet from a side lot line and the height of the Solar Collection System is a maximum of 20 feet.
b. In the Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zones, a Solar Collection System installed above a parking lot or other paved surface does not count towards the maximum coverage.
c. Signs are prohibited, except for a flush-mounted sign identifying the manufacturer of the system.
d. The Solar Collection System must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system. The Solar Collection System will be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.

38) Accessory Structures

Section 3.7.4. Accessory Miscellaneous Uses
A. Accessory Structure
1. Defined
Accessory Structure means a structure subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. An Accessory Structure is not attached by any part of a common wall or common roof to the principal building.

39) Accessory Use

Section 3.7.4. Accessory Miscellaneous Uses
B. Accessory Use
Defined
Accessory Use means a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied.

[END OF EXHIBIT 1]
Montgomery Village Foundation, Inc.

Commercial Architectural Design Guidelines and Review Process

Adopted: September 24, 1994
Revised: September 1996, February 2002
MV Sign Policy Revised: April 22, 1999
Montgomery Village Foundation, Inc.
10120 Apple Ridge Road, Montgomery Village, Maryland 20886
301-948-0110/ Fax: 301-990-7071/ Web: www.mvf.org
Sincere appreciation is extended to the following persons for their dedication and efforts in making this publication possible:

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1994
INTRODUCTION

In order to protect the special character of Montgomery Village and the investment of residential and business owners, the Montgomery Village Foundation, Inc. has established commercial design guidelines outlining the procedures and criteria for evaluating the proposals of individuals and other entities for development or modification of commercial/non-residential properties in the Village. These guidelines are intended to reasonably accommodate the needs of business owners through the consistent application of reasonable guidelines, while protecting the community from incremental incompatible change.

Montgomery Village as it exists today is a result of over 30 years of planning and development by Kettler Brothers, Inc., the Montgomery Village Foundation, Inc., and numerous design professionals and governmental agencies, with guidance and input from residents and business owners. Throughout the process, it has always been the intent that Montgomery Village be a community comprised of neighborhoods, many with their own architectural character but all with unifying and consistent elements. Key to the viability of these neighborhoods, and the community as a whole has been continuing efforts to foster and support compatible commercial/non-residential development.

These "Guidelines" serve as a reference and guide to the Commercial Architectural Review Committee, staff and applicants as plans are made for the design of new construction, exterior improvements and miscellaneous items including renovations made to Montgomery Village Foundation facilities or new construction of a Montgomery Village Foundation facility requiring review and approval by the CARC. While not all encompassing, they are intended to clarify the process and provide a framework for maintaining the architectural integrity, quality and character of the Village without inhibiting creativity and innovation. The Foundation realizes that many projects have unique circumstances which may be evaluated on their own merit.

The guidelines presented in this manual are subject to periodic review and updating by the Montgomery Village Foundation Board of Directors and its Commercial Architectural Review Committee.

Keep this manual as a ready reference guide. Additional information or guidance is available from the Foundation Administrative Center at 10120 Apple Ridge Road or by calling 948-0110.
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GUIDELINES FOR
NON-RESIDENTIAL ARCHITECTURAL STANDARDS
AND THE
COMMERCIAL ARCHITECTURAL REVIEW COMMITTEE

PURPOSE:

The Montgomery Village Foundation, Inc. ("Foundation") administers Non-Residential Architectural Control to ensure that non-residential properties and establishments in Montgomery Village ("Village") including Montgomery Village facilities maintain a level of architectural harmony that protects the investment of both residential and non-residential property owners and upholds the traditions of the Village. The Foundation Board of Directors ("Board") has established the Commercial Architectural Review Committee ("CARC") to assist the Board in carrying out this function.

AUTHORITY:

The Foundation authority is derived from the Declaration of Assignment, dated December 22, 1995, between Kettler Brothers, Inc. and the Foundation, assigning all of its rights and powers for non-residential architectural control to the Foundation. The CARC is authorized by the Board to act within the scope of these Guidelines, and the Commercial Architectural Design Guidelines and Review Process document, in that order. The Executive Committee of the Board is authorized by the Board to enforce the non-residential architectural design criteria and standards in accordance with the "Guidelines for MVF Executive Committee". The Foundation reserves the right, in its sole discretion, to amend, revise and modify the Commercial Architectural Design Guidelines and Review Process.

MEMBERSHIP:

The CARC consists of a Chairperson, the Director of Architectural Standards ("Director"), and at least three (3) other members, one of whom is the Vice-Chair. Committee members should have a background in residential or commercial design or engineering, or be active in the business community.

COMPENSATION:

The CARC Chairperson may be compensated by the Foundation.

MEETINGS:

The CARC meets once a month, or upon additional call by the Chair. The Chair shall call a special meeting of the CARC upon request of a majority of the members. A quorum of three (3) CARC members is required for all CARC decisions/recommendations.
GUIDELINES AND RESPONSIBILITIES:

The CARC shall observe and comply with the "General Guidelines for all Committees" as established by the Board except as otherwise stated in this document.

The CARC is responsible for:

* developing and revising architectural design criteria and standards for Village non-residential properties and establishments for approval by the Board;

* consulting with the non-residential community while developing and revising architectural design criteria and standards for Village non-residential properties;

* developing guidelines for the CARC's consideration of applications for exterior alterations/renovations (including new or revised signage), and new construction for approval by the Board;

* reviewing and processing applications in accordance with the approved guidelines;

* verifying compliance with approved architectural design criteria and standards;

* recommending remedies to the Executive Committee of the Board for violations of the approved non-residential architectural design criteria and standards.

Approved by MVF Board of Directors - February 22, 1996
Revised 9/24/96
Revised 2/24/05
APPLICANT’S REPRESENTATIONS AND RESPONSIBILITIES
MV FOUNDATION DISCLAIMERS

1. An application for CARC review and approval must be submitted prior to making any exterior alterations, changes, additions, or renovations to existing properties (including lighting and new or revised signage), or initiating any new construction.

2. When an applicant files an application with the CARC or otherwise initiates the design review process with the CARC, the applicant is explicitly representing on its own behalf and on the behalf of the applicant’s architect, engineer, contractors, sub-contractors, etc., that all information submitted is true and accurate. The applicant and the applicant’s agents, representatives and employees assume all responsibility for the accuracy of all submission, including but not limited to all dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

3. The applicant and the applicant’s agents, representatives and employees are responsible for compliance with all Federal, State, county and Local laws. This includes, but is not limited to, the responsibility to obtain all necessary permits and approvals from the proper authorities. The Foundation and the CARC assume no responsibility for review of submissions for compliance with applicable laws or regulations.

4. The applicant, its agents, representatives and employees are solely responsible for the design, structural integrity, proper construction, and safety of the proposed addition, change or modification, both during and after construction. The Foundation and the CARC assume no responsibility for said matters, including without limitation the structural, mechanical or electrical design, construction means and methods, or technical suitability of materials or systems.

5. No applicant or any other party or entity shall acquire or claim any vested rights in any particular commercial architectural design guidelines and review process or approval. The Foundation, its agents and representatives, including Board and the CARC, assume no responsibility for failure in any instance to adhere to the applicable Commercial Architectural Design Guidelines and Review Process. Failure to adhere to the Guidelines in any one instance shall not be a waiver of the same, nor shall it preclude application of the same in the future.
6. The applicant shall be responsible for conveying to its agents, representatives and employees, including but not limited to the applicant's architect, engineer, contractors, sub-contractors and their agents and employees, all applicable requirements of the Commercial Architectural Design Guidelines and Review Process and all decisions of the CARC with respect to approval of all changes, additions and modifications.
APPLICATION SUBMISSION AND REVIEW

GENERAL:
The CARC will review all applications submitted and will make every effort to make a decision within 30 days after application is submitted. To facilitate the expeditious handling of any submitted applications, applicants should be as thorough and complete in their submissions as possible.

APPLICATION SUBMISSION:
To be considered at the next CARC meeting, applicants need to submit their applications to the Director at least 10 working days prior to the meeting date. The applications shall contain the information and documents set forth in the Project Submission Requirements, which recognize that the level of detail and documentation may vary depending on the size and complexity of the proposed project. Applicants are encouraged to contact the MVF Director of Architectural Standards if they have any questions regarding the preparation or submission of the application.

MVF STAFF REVIEW:
Upon submission of an application, the Director shall first determine whether the application contains sufficient information and the necessary documents so that the application can be forwarded to the CARC for its review. If additional information is needed, the Director will promptly notify the applicant and explain what additional information needs to be submitted in order to further process the application. Once the application is completed, the Director will forward it to the CARC. The Director shall also inform the applicant of the time and location of the next CARC meeting when the application will be submitted.

CARC REVIEW:
Upon receiving an application for review, the CARC shall conduct its review in open session and in accordance with established guidelines, giving due consideration to the information and documents contained in the application. The CARC may also consult with other MVF committees, if necessary. Upon request, applicants may give a presentation before the CARC.

CARC DECISION:
Upon completion of its review of an application, the CARC shall render a decision, which shall occur in open session. An application may be approved, approved with modifications, denied, or denied for lack of information. A simple majority vote of the members present and voting shall determine the CARC’s action. A TIE VOTE SHALL BE DEEMED “DENIED”. The Director shall promptly notify the applicant, in writing, of the CARC’s final decision.
REQUEST FOR CARC RECONSIDERATION:

An applicant may request that the CARC reconsider its decision, following the same procedure that is discussed above. The CARC shall entertain any request for reconsideration. Upon request, an applicant may give a presentation before the CARC.

APPEAL TO THE MVF EXECUTIVE COMMITTEE:

If an applicant is still not satisfied after reconsideration, the applicant may appeal the decision to the Executive Committee. To do so, an applicant must notify the Director in writing, within 30 days after the decision or reconsideration by the CARC. The appeal shall be considered during the regularly scheduled monthly meeting. Upon request, the Executive Committee shall allow the applicant to make a presentation. During its meeting the Committee may require the attendance and input of the Chairperson of the CARC and/or the Director, or their representatives.

REVIEW PROCEDURES FOR CHANGES IN SIGNAGE WITHIN EXISTING CENTERS

To expedite the change in signage when new stores fill vacancies within existing retail centers, signs will be reviewed by the Director of Architectural Standards with the assistance of available CARC members. Decisions regarding the proposed signage will be forwarded to the county permitting department as well as to the owner of the center and the sign installer. Guidelines to be used when reviewing this new signage should follow the type of signage already existent in the center, any sign package previously approved by MVF for that particular retail center, and both the MVF sign policy and county sign ordinance requirements.
PROJECT SUBMISSION REQUIREMENTS

The Project Submission Requirements identify the documents and information required to be submitted to the CARC for the two stage review and approval process for projects such as new construction, additions, redevelopment or other modifications. A single stage review and approval process is permitted for projects of limited scope and complexity such as minor modifications to existing signage, landscaping, exterior lighting, fencing, etc. The CARC reserves the right to require additional documents and information as necessary to adequately evaluate the applicant's proposal. For clarification of submission requirements, and applicant should contact the Director. It shall be the responsibility of the applicant to comply with all rules, regulations and ordinances and to procure the necessary approval of all governmental agencies having jurisdiction over the project.

I. General Submission Requirements for New Commercial Structures and Modifications to Existing Structures – 2 copies

A. Preliminary Review

1. Project Application Form

2. Preliminary Site Plan

   At a minimum scale of 1"=30' and a contour interval of no less than two feet, the site plan shall show all existing and proposed:
   - Property lines, rights-of-way and easements
   - Significant site features and existing uses of the site and areas
   - Location and size of existing tree masses and specimen trees
   - Buildings
   - Streets, parking and service areas
   - Utilities
   - Preliminary grading, limits of clearing and tree save areas
   - Site data including size and parking requirements

3. Preliminary Architectural Drawings

   At a minimum scale of 1/8"=1'0", drawings showing all exterior Building elevations indicating height, massing and materials. Visible roof projections and mechanical equipment locations must be shown.

4. Preliminary Landscape Plan showing location, size and type of all plant material.
5. Preliminary Lighting Plan showing location, type and photometrics of all proposed exterior lighting.

6. Preliminary Signage Drawing showing location and general appearance (including illumination) of all proposed signage.

7. Specifications and other Descriptive Information.

Provide drawings, cut sheets, manufacturers' product information, photographs, color boards, samples and any other information necessary to illustrate the design intent and character of the following:
- Exterior colors and materials
- Lighting
- Signage
- Utility, mechanical, communication and security equipment

B. Final Review

1. Project Application Form

An updated Project Application Form with a cover letter outlining in detail any deviations from the Preliminary Submission.

2. Final Site Plan

At a minimum scale of 1"=30' and a contour interval of no less than two feet, the final site plan shall locate and identify all proposed:
- Buildings
- Streets, parking and service areas
- Sidewalks and other pedestrian circulation elements
- Finished grading
- Limits of clearing, tree saves areas and specimen trees
- Utilities
- Walls and fencing
- Any other site improvements
- Temporary construction facilities, including construction ingress/egress, signage, field offices, staging areas, phasing, etc.

3. Final Architectural Drawings

At a minimum scale of 1/8"=1'0", drawings showing in detail all exterior building elements and indicating height, massing
materials, fenestration, and architectural details. Visible roof projections and mechanical equipment must be shown.

4. Final Landscape Plan showing the specific location, size and type (botanical and common name) of all plant material.

5. Final Lighting Plan showing in detail the fixture selections, location, type and photometrics of all exterior lighting.

6. Final Signage Drawings showing in detail the location, design, lighting, materials and colors of all signage.

7. Specifications and other Descriptive Information

Provide drawings, cut sheets, manufacturers' product information, color boards and samples for the following:

- Exterior colors and materials
- Lighting
- Signage
- Communications and security equipment
- Flag poles
- Awnings and canopies

8. All necessary permits and/or approvals.

II. GENERAL SUBMISSION REQUIREMENTS FOR PROJECTS OF LIMITED SCOPE AND COMPLEXITY – 2 COPIES

A. Project Application Form

B. Descriptive data sufficient to describe the location, design, materials, appearance, extent and character of the proposed construction. Drawings, Specifications and other Descriptive Information shall be provided as appropriate based on the proposed scope of the work. Generally, the data shall be of the quality and level of detail as that required for New Commercial Structures and Modifications to Existing Structures. For example, the Submission Requirements for replacement of an existing free-standing sign would consist of:

- Site Plan showing existing and proposed location of the sign and any Required modifications to the site
- Landscape Plan showing new landscaping and/or any proposed modification to the existing landscaping
• Signage Drawings showing in detail the location, design, lighting, materials and colors of the proposed sign
• Color boards and material samples for all components of the proposed sign

C. All necessary permits and/or approvals.
AWNINGS AND CANOPIES

DESIGN CRITERIA

Awnings and Canopies should be compatible with and complement the building to which they are attached. The size, color and location must be appropriate for the architectural character of the building and the site. Awnings and Canopies must be professionally constructed, installed and maintained.

GUIDELINES

- Awnings or Canopies must be simple and consistent in shape and form with straight edges.

- Colors and textures must be compatible with the palette of the building. Patterns and multiple colors will not be permitted.

- Signage may be permitted on an Awning or Canopy. Repetitive signage or advertising is not allowed.
BANNERS

DESIGN CRITERIA

Banners are considered temporary signs that are displayed on private property for less than 30 days. Banners must be maintained at all times and must not be erected or placed in the public right-of-way without a permit from Montgomery County. Banners must be secured at all times so they do not move in the wind, or appear to be loose.

GUIDELINES

Banners may be considered by the CARC as temporary signage announcing public, charitable, educational or religious events or to call attention to community events.
COMMUNICATIONS EQUIPMENT

DESIGN CRITERIA

Communications Equipment such as satellite dishes and antennae shall be located so as to be as inconspicuous as possible to public view. Requirements for communications equipment should be anticipated as much as possible and provisions made during the design phase for new construction. The amount, size and location of this equipment must not detract from the architectural character and site compatibility.

GUIDELINES

- Whenever possible equipment shall be located toward the center of the building roof and be screened to eliminate visibility from the ground and adjacent buildings. Primary consideration shall be given in location and screening relative to residential areas.

- Dishes and antennae should be selected for color compatibility with the background color or be painted appropriately.

- Illumination or usage as signage or advertising is prohibited.
EXTERIOR LIGHTING

DESIGN CRITERIA

All exterior lighting shall be selected and located to complement the overall character and quality of the development. The source and color shall be compatible with the site layout and building architecture. Building entrances should be lit and parking lot and pedestrian lighting provided to promote public safety and illuminate major vehicular entrances and pedestrian circulation elements. Lighting shall be designed to create a consistent level of illumination without creating glare or impact on adjacent residential areas.

GUIDELINES

- All parking lots, loading areas, service areas and security lights, whether wall mounted or free standing, must be concealed source fixtures and be cut-off type to direct lighting downward.

- Special effect or overall architectural lighting buildings must receive specific approval of the CARC.

- Decorative fixtures may be permitted where they are part of an overall architectural concept.

- Bollards with integral light fixtures are encouraged for pedestrian walkways.

- The finish on all fixtures, poles and supports shall be of a duranodic aluminum or other material in a dark bronze to black color. Finishes to match mullion treatment or other architectural features will be considered.

- The CARC reserves the right to require the applicant, property owner or other responsible party to reduce the intensity of the lighting if after the installation the Committee determines that the lighting as installed is too intense or creates excessive glare.
FENCES AND BARRIERS

DESIGN CRITERIA

Temporary Fencing – fencing during construction procedures required by governmental agencies or as required to ensure public safety shall be permitted. All such fencing shall be removed once construction is substantially complete.

Permanent Fencing – permanent fencing may be provided within the property boundaries where required to screen mechanical or electrical equipment or to accommodate public safety. Perimeter or property line fencing, walls or barriers is generally prohibited. However, exceptions may be considered by the CARC based on security or safety considerations.

GUIDELINES

- All approved chain link fencing must be vinyl coated.
- Permanent fencing and barriers are encouraged to be of masonry and wood construction.
- Height shall be limited to 6 feet.
- Fences and Barriers should be located to minimize public view and must be screened by appropriate landscaping.
FLAG POLES

DESIGN CRITERIA

Flags and flag poles must be located and sized based on the scale and massing of the surrounding development. Flags must be proportionally sized for the pole.

GUIDELINES

- No more than two flags shall be flown on any pole.
- No more than three flag poles shall be permitted in any development without the specific consent of the CARC.
- Illumination of flags is not permitted.
- The color of flag poles shall match the parking lot light poles or a major element of the building, whichever is more appropriate.
- Flags shall be limited to the official flags of the United States of America, the State of Maryland, Montgomery Village, and Tree City USA.
- Flags shall be flown in a traditional manner in accordance with accepted protocol.
- The use of flags for advertising or identification shall not be permitted.
LANDSCAPE DESIGN

DESIGN CRITERIA

A qualified professional shall prepare all landscape plans submitted to the CARC. This plan shall show the location, size, spacing and type of landscaping to be incorporated into the project. In general the proposed landscape design should:

- Complement the landscaping of adjacent areas and the existing landscaping of natural areas to remain.

- Reduce the visual impact of large paved areas from surrounding areas and approaches.

- Take advantage of natural topography and vegetation.

- Provide visual interest through the use of color, texture and massing.

- Complement and reinforce the building architecture.

GUIDELINES

- Reference standard for sizing and grading of all proposed plant material shall be the latest edition of “American Standard for Nursery Stock”.

- Seeding or sodding is required for all open areas. A minimum 4” layer of topsoil will be required for all areas to be seeded.

- Installation of all landscape material shall be in accordance with the approved plan. At the time of installation, minimum tree sizes shall be:
  
  Deciduous Canopy or Shade Trees – 3 to 3 ½ inches in caliper  
  Deciduous Ornamental Trees – 2 to 2 ½ inches in caliper  
  Evergreen Trees – 7 to 9 feet in height

- Existing landscaping required by the CARC to remain shall be protected during construction operations and maintained in a healthy condition at all times. Any damaged, dead or diseased material must be replaced with material of comparable size and quantity unless otherwise approved by the CARC.

- Any landscape material which becomes dead or diseased at any time after occupancy must be replaced as soon as possible with material comparable in size and quality.
MECHANICAL EQUIPMENT

DESIGN CRITERIA

Mechanical and Electrical Equipment including that required by public utility companies shall be as unobtrusive as possible and screened from view. The primary consideration will be the view from adjacent properties and public ways; however, applicants must minimize views on-site as much as practical. Equipment may be located on the ground or the building roof. Primary consideration should be given to screening through the utilization of architectural elements of the building but other methods such as fences, walls, berms and landscaping may be utilized.

Noise-producing equipment must be located or screened to eliminate impact on adjacent residential areas.

GUIDELINES

- Rooftop equipment may be screened with parapets or other screening devices compatible in style and color to the building and adjacent surfaces.

- Equipment located on the ground may be screened using fencing, walls and earth berm in conjunction with landscape materials appropriately sized and spaced.

- All screening devices shall be professionally designed, constructed and maintained.
NEW CONSTRUCTION, RENOVATION, EXPANSION OR REPLACEMENT OF EXISTING STRUCTURE

DESIGN CRITERIA

Changing economic conditions, lifestyles and demographic patterns will inevitably lead to requirements for modifications to existing commercial structures. This will result in significant renovation or expansion and in some cases demolition and reconstruction as the useful life of a building ends. All new development and redevelopment shall be consistent with the approved land use and minimize negative aesthetic impact on adjacent properties as well as the community as a whole.

GUIDELINES

- Building and site development plans must be compatible in scale, massing, character, location and materials to existing buildings and surrounding development.

- Redevelopment must be sensitive to existing neighborhood uses and compatible with established planning and circulation patterns.

- All buildings must be considered in the round. The architectural concept must be appropriately detailed on all building facades. In reviewing applications, the CARC will consider all views of the building from roadways and surrounding properties.

- The scale of the project should be given careful consideration especially in large buildings. Large uninterrupted expanses of façade must be avoided.

- The architectural and site planning characteristics should be consistent throughout each development. The CARC will consider this consistency carefully when reviewing applications for renovation and expansion. Contrasting architectural styles will generally not be permitted within an individual development.

- Strong transitions should be incorporated at changes in materials and planes.

- Brick masonry construction is encouraged whenever appropriate and practical. Other acceptable materials, in general, include:

  Wood siding and trim
  Metal "storefront" material and glass
  Exterior Insulation and Finish Systems (EIFS)
  Architectural block
  Pre-finished metal fascia and roof systems

Page 24 of 35
Commercial Architectural Design Guidelines and Review Process
Pre-cast architectural concrete
Wood shakes

Unacceptable materials include:

- Aggregate finish concrete panels
- Plywood or plywood based products
- Metal siding
- Painted or natural concrete block

- Site plan must respect established landscaping and natural buffers. The CARC may require that existing trees be saved and/or replaced with material comparable in size, quality and quantity.

- Primary site planning criteria should include the impact on surrounding properties including traffic patterns, pedestrian circulation, noise, lighting and obstruction of view.

- Service areas should be designed to be integral with the building.

- All accessory buildings must be of similar materials and compatible architectural character.

- Additional criteria are established in other sections of these Guidelines.

Approval by the CARC is contingent upon the applicant’s receipt of all approvals by agencies having jurisdiction over the property. Copies of all approvals, permits, etc. must be submitted to the CARC.
PARKING AND ROADWAYS

DESIGN CONSIDERATION

Parking areas and roadways shall be located and designed to minimize visibility of expansive paved areas from adjacent property and approaches. Landscaping and berming shall be used whenever possible to screen parking areas. Entrance, parking and pedestrian circulation elements shall preserve natural site features including topography and vegetation whenever possible.

GUIDELINES

- Landscaped islands must be provided between parking aisles and stalls to break up parking areas. Islands must be a minimum of 8 1/2 feet wide.

- Adequate buffering, landscaping and/or berming must be provided where parking is adjacent to roadways or property lines and in other locations as required by the CARC.

- Paved areas should follow existing grades as much as possible to minimize differences at the periphery. Off-site grading will not be permitted.

- Curbs must be concrete or asphalt. Railroad ties are not permitted.

- Criteria for lighting is included under “Exterior Lighting” in these Guidelines.
SERVICE AREAS

DESIGN CRITERIA

All Service Areas, including those utilized for delivery and trash collection, shall be located as discreetly as possible and screened from public view. All such facilities shall be designated to be compatible with the building design, constructed of similar materials and be suitably landscaped to minimize visual impact.

GUIDELINES

- Loading and service areas shall be located and screened as necessary to shield them from view from roadways and adjacent residential properties.

- Trash dumpsters shall be screened with walls, fences and landscaping and be located to minimize odor on adjacent properties.

- All enclosures shall be constructed of masonry or masonry and wood or other substantial material. Chain link fencing is not allowed.
SIGNAGE AND GRAPHICS

DESIGN CRITERIA

All signage must comply with the requirements of the current Montgomery County, Maryland Zoning Ordinance, Chapter 59, Article F, Signs. The criteria established in these “Guidelines” is intended to complement the Ordinance. The more restrictive requirement in either document shall apply.

Refer to The Montgomery Village Commercial and Non-Residential Sign Policy (see pages 25 -28) for the Design Criteria and Guidelines.
TEMPORARY FACILITIES

DESIGN CRITERIA

Construction field offices, storage sheds, trailers, exterior storage yards, temporary toilet facilities and temporary directional signage are permitted during construction only. Offices and storage facilities shall be relocated in the building as soon as practical and all temporary facilities must be removed when the project is substantially complete.

GUIDELINES

- All temporary facilities shall be located as inconspicuously as possible. In particular, they should be located as far as practical from property lines bordering residential areas.

- Fencing, landscaping or other screening may be required.

- Proper maintenance and servicing of temporary facilities shall be required. All areas of the construction site shall be maintained in a neat and orderly manner and all debris promptly removed.
MONTGOMERY VILLAGE
COMMERCIAL AND NON-RESIDENTIAL SIGN POLICY

PURPOSE AND SCOPE

The purpose of these guidelines is to assist the Foundation and the Commercial Architectural Review Committee (CARC) in the regulation of the size, location, height and construction of all commercial and residential signs placed for public observance in Montgomery Village. The guidelines are intended to protect property values, to preserve and strengthen the ambiance and character of the various communities and the Village as a whole; and to satisfy objectives as reflected in approved and adopted Town Sector plans.

The Montgomery Village Commercial and Residential Sign Policy refers to the current Montgomery County Maryland Zoning Ordinance, Chapter 59, Article F, Signs as a basis of authority with the addition of additional guidelines as to the architectural elements and character of the sign. The criteria established in the "Guidelines" are intended to uphold and complement the Ordinance. The more restrictive requirement in either document shall apply.

I. DESIGN CRITERIA

The CARC recognizes that adequate and appropriate signage is critical to the viability of many business operations. Proposed signage must be conforming in size and quantity with the County Ordinance and should be consistent with and complement the architecture and character of the overall development. Criteria utilized in evaluating signage and graphic proposals will include design, color, materials, illumination, placement, landscaping and relationship to adjacent projects.

It is intended that the display of signs will be appropriate to the land, building or use to which they are an appurtenance, and will be compatible with the character of existing architecture and the fabric of development. The display of signs should be adequate but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended that in commercial areas now in existence and more so in proposed commercial areas
that all signs within one complex be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

II. DESIGN GUIDELINES

A. All signage must comply with the Montgomery Village Commercial and Residential Sign Policy. This document sets forth specific criteria to be followed for various commercial and related uses.

B. A complete system for signage and graphics must be submitted and approved for all signage. The system should consider including:
   1. Permanent identification signs, including building identification signs
   2. Directional and service signage, including tenant signs (for multi-tenant buildings)
   3. Limited Duration signs
   4. Temporary signs

C. Commercial shopping centers need to provide a package for signage, rather than individual applications. We have worked with retail center owners on this to allow individual applications; however, we encourage the owners to have a sign package for the centers for a neater appearance and a more simplified application review process.

D. Generally, color for signs shall be limited to one color for the lettering and one color for the background. The CARC may consider additional color when they are part of the company's logo. No block signs are approved – only channel letters attached to a raceway that is the same color as the building façade. Letter size must conform to county requirements, and are reviewed on an individual basis by MVF. Logos are also considered on an individual basis.

E. All free standing temporary and permanent signage must be landscaped.

F. Generally, signage must be professionally prepared and constructed. "Homemade" or non-professionally installed signage will be reviewed on an individual basis.

III. MAINTENANCE OF SIGNS

A. All signage must be properly installed and maintained. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
# PROPERTY OWNER INFORMATION

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# REPRESENTATIVE INFORMATION

| Representative: |  |
| Representative's Mailing Address: |  |
| Representative's Telephone: |  |
| Representative's Fax Number: |  |

# BRIEF DESCRIPTION OF PROJECT


# AGREEMENT

I hereby certify that the above named representative has the authority vested by the owner to submit the application on my behalf, commit to design changes and represent the property owner to the Commercial Architectural Review Committee (CARC). The information contained in this application along with the accompanying documentation submitted to the Commercial Architectural Review Committee is accurate to the best of my knowledge and belief. Permission is granted to the Commercial Architectural Review Committee to enter/subject property as necessary to carry out its functions.

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# FOR COMMERCIAL ARCHITECTURAL REVIEW COMMITTEE USE ONLY

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