

(e) Legacy Mixed-Use Town Center (LMUTC) Zone**(1) Purpose**

The purpose of the Legacy Mixed-Use Town Center (LMUTC) Zone is to recognize Mixed-Use Town Center (M-U-TC) Zones established prior to April 1, 2022.

(2) Establishment of Legacy Mixed-Use Town Center (LMUTC) Zone

The LMUTC Zone includes all lands located within the Mixed-Use Town Center (M-U-TC) Zone on April 1, 2022.

(3) Legacy Mixed-Use Town Center (LMUTC) Zone Standards and Permitted Uses

Development within the LMUTC Zone shall comply with the applicable Mixed-Use Town Center Development Plan. Development within the LMUTC Zone shall also comply with any applicable and valid Conceptual Site Plan, Preliminary Plan of Subdivision, Special Permit, permit issued in conformance with the Town Center Development Plan, Special Exception, or Detailed Site Plan, in accordance with Section 27-1700, Transitional Provisions, and uses permitted in the LMUTC Zone shall comply with the uses permitted in the specific Mixed-Use Town Center in which the property was located prior to April 1, 2022.

(4) Legacy Mixed-Use Town Center (LMUTC) Design Review Committee

Each LMUTC includes a local design review committee that is advisory to the Planning Board. These design review committees shall be reestablished pursuant to the requirements of Section 27-3310, LMUTC Design Review Committees, following April 1, 2022. This requirement, and the establishment and membership of the LMUTC design review committees, shall supersede any design review committee membership guidelines, rules of establishment, and regulations contained in any Mixed-Use Town Center Development Plan and the regulations of the prior Zoning Ordinance.

(5) Legacy Mixed-Use Town Center (LMUTC) Review Procedures

The following LMUTC application review procedures supersede the procedures specified in any Mixed-Use Town Center Development Plan and the regulations of the prior Zoning Ordinance.

(A) Application Submittal and Review

(i) All applications for any proposed building permit, use and occupancy permit, sign permit, special permit, or, where previously delegated by the District Council to a Mixed-Use Town Center design review committee, other development applications (such as special exceptions or detailed site plans), shall be submitted to the Planning Director or DPIE Director.

(aa) For the purposes of this Subsection and the LMUTC Zone, “use and occupancy permit” shall refer to one of:

(I) Construction of a building or structure for placement of a new use on land;

(II) Conversion of a single-family detached dwelling unit to include additional dwelling units; or

(III) Development of any accessory building or structure on a lot.

(bb) Other development that may require approval of a use and occupancy permit, including a change in the use or tenancy of an existing building or the conversion of a building, structure, or land from one use to another use, shall not require review and recommendation by the LMUTC Design Review Committee.

(ii) All applications shall be referred to the Planning Director for review, recommendation, and preparation of a Technical Staff Report describing the application and making a recommendation to the LMUTC Design Review Committee. The Planning Director shall refer the application to the applicable LMUTC Design Review Committee within 10 business days of receipt.

(B) LMUTC Design Review Committee Recommendation

- (i)** The LMUTC Design Review Committee shall review the application for consistency with the applicable Mixed-Use Town Center Development Plan, and shall schedule a meeting to discuss the application within 30 business days of receipt of the application from the Planning Director. Following review of the application, the LMUTC Design Review Committee shall immediately vote to make a recommendation to the DPIE Director, which shall consist of one of the following:
- (aa)** Recommend approval;
 - (bb)** Recommend approval with conditions;
 - (cc)** Recommend disapproval; or
 - (dd)** Recommend remanding the application to the applicant with specific, written revisions necessary to meet the requirements of the applicable Mixed-Use Town Center Development Plan.
 - (I)** Any applications that are remanded to the applicant may only be remanded once, and may only be resubmitted once by the applicant for re-review of the application.
 - (II)** Requested revisions associated with a recommendation of remanding the application to the applicant may only consist of revisions that will bring a noncompliant application into compliance with the mandatory standards of the applicable Mixed-Use Town Center Development Plan.
- (ii)** Once an application is recommended for approval or approval with conditions, the chairman of the LMUTC Design Review Committee shall affix the official stamp of approval to the submitted application and transmit the application and supporting material to the DPIE Director for action. Copies of the stamped application and supporting material shall also be sent to the Planning Director and the applicant within 3 business days of the Committee's vote on the application. Failure to submit stamped plans to the DPIE Director within 3 business days of the Committee's vote on the application constitutes a recommendation of approval.

(C) Departures from a Mixed-Use Town Center Development Plan

The Planning Board is authorized to allow departures from the strict application of any standard or guideline approved in a Mixed-Use Town Center Development Plan in accordance with the procedures set forth in Section [27-3614\(e\)](#), Major Departure Procedure.

(D) Appeal

An applicant may appeal the recommendation of the LMUTC Design Review Committee for disapproval or approval with conditions that an applicant is not in agreement with to the Planning Board by filing a detailed site plan application pursuant to Section [27-3605](#), Detailed Site Plan.

(6) Transition Upon Inaction

Any property classified in the LMUTC Zone for which a development application has not been submitted to and approved by the Planning Board, Planning Director, or DPIE Director for a period of 10 years following April 1, 2022 shall immediately be placed in new zoning categories as follows:

- (A)** Property in the Brentwood, Mount Rainier, or Riverdale Park LMUTC Zones shall be placed in the NAC Zone.
- (B)** Property in the Suitland LMUTC Zone shall be placed in the RTO-L Zone, in the edge area.

Such properties shall remain in the new zoning categories until and unless the District Council approves a Zoning Map Amendment for the property, or a new Sectional Map Amendment is approved, and shall no longer be subject to the pertinent Mixed-Use Town Center Development Plan, LMUTC regulations, and review by the LMUTC Design Review Committee. Once rezoned to the NAC or RTO-L zones, such properties may immediately proceed to develop in accordance with this Zoning Ordinance.