

Zoning Text Amendment No.: 14-09
Concerning: Zoning Ordinance
Rewrite – Updates,
Clarifications, and
Corrections
Draft No. & Date: 1 – 7/22/14
Introduced: July 29, 2014
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance that is effective October 30, 2014 to:

- clarify language and correct errors;
- add the substance of text amendments approved by Council since March 11, 2014;
- address issues raised in the course of approving District Map Amendment G-946;
- and generally amend the Zoning Ordinance that will be in effect on October 30, 2014

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code effective October 30, 2014:

DIVISION 59-1.4.	“DEFINED TERMS”
Section 59-1.4.1.	“Rules of Interpretation”
Section 59-1.4.2.	“Specific Terms and Defined Phrases”
Division 59-2.1.	“Zones Established”
Section 59-2.1.3.	“Establishment of Zones”
DIVISION 59-2.2.	“Zoning Map”
Section 59-2.2.1.	“Zoning Maps”
DIVISION 59-3.1.	“USE TABLE”
Section 59-3.1.6.	“Use Table”
DIVISION 59-3.2.	“AGRICULTURAL USES”
Section 59-3.2.10.	“Winery”
Section 59-3.2.12.	“Temporary Agricultural Uses”
DIVISION 59-3.3.	“RESIDENTIAL USES”
Section 59-3.3.2.	“Group Living”
DIVISION 59-3.4.	“CIVIC AND INSTITUTIONAL USES”

Section 59-3.4.2.	“Charitable, Philanthropic Institution”
DIVISION 59-3.5.	“COMMERCIAL USES”
Section 59-3.5.7.	“Medical and Dental”
Section 59-3.5.8.	“Office and Professional”
Section 59-3.5.10.	“Recreation and Entertainment”
Section 59-3.5.11.	“Retail Sales and Service”
Section 59-3.5.14.	“Accessory Commercial Uses”
DIVISION 59-3.6.	“INDUSTRIAL USES”
Section 59-3.6.5.	“Mining, Excavation”
Section 59-3.6.8.	“Warehouse”
DIVISION 59-3.7.	“MISCELLANEOUS USES”
Section 59-3.7.2.	“Solar Collection Systems”
DIVISION 59-4.1.	“RULES FOR ALL ZONES”
Section 59-4.1.4.	“Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
Section 59-4.1.7.	“Measurement and Exceptions”
Section 59-4.1.8.	“Compatibility Requirements”
DIVISION 59-4.2.	“Agricultural Zones”
Section 59-4.2.1.	“Agricultural Reserve Zone (AR) ”
DIVISION 59-4.4.	“RESIDENTIAL ZONES”
Section 59-4.4.7.	“Residential – 200 Zone (R-200)”
Section 59-4.4.8.	“Residential – 90 Zone (R-90)”
Section 59-4.4.9.	“Residential – 60 Zone (R-60)”
DIVISION 59-4.5.	“COMMERCIAL/RESIDENTIAL ZONES”
Section 59-4.5.2.	“Density and Height Allocation”
Section 59-4.5.3.	“Standard Method Development”
Section 59-4.5.4.	“Optional Method Development”
DIVISION 59-4.6.	“EMPLOYMENT ZONES”
Section 59-4.6.2.	“Density and Height Allocation”
Section 59-4.6.3.	“Standard Method Development”
Section 59-4.6.4.	“Optional Method Development”
DIVISION 59-4.7.	“Optional Method Public Benefits”
Section 59-4.7.3.	“Public Benefit Descriptions and Criteria”
DIVISION 59-4.9.	“OVERLAY ZONES”
Section 59-4.9.4. to Section 59-4.9.18.	
DIVISION 59-5.1.	“IN GENERAL”
Section 59-5.1.3.	“Applicability”
DIVISION 59-6.2.	“PARKING, QUEUING, AND LOADING”
Section 59-6.2.3.	“Calculation of Required Parking”
Section 59-6.2.5.	“Vehicle Parking Design Standards”
DIVISION 59-7.3.	“REGULATORY APPROVALS”
Section 59-7.3.1.	“Conditional Use”
Section 59-7.3.3.	“Sketch Plan”
Section 59-7.3.4.	“Site Plan”
DIVISION 59-7.4.	“ADMINISTRATIVE APPROVALS”
Section 59-7.4.1.	“Building Permit”

DIVISION 59-7.7.	“EXEMPTIONS AND NONCONFORMITIES”
Section 59-7.7.1.	“Exemptions”
Section 59-7.7.2.	“Nonconforming Use”
DIVISION 59-8.1.	“IN GENERAL”
Section 59-8.1.2.	“Modification of Zones”
DIVISION 59-8.3.	“PLANNED UNIT DEVELOPMENT ZONES”
Section 59-8.3.6.	“Planned Cultural Center Zone”

EXPLANATION: *Boldface* indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment.
 [Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
 [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
 * * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance

Sec. 1. TABLE OF CONTENTS is amended as follows:

Table of Contents

Article 59-4. Development Standards for Euclidean Zones

* * *

DIVISION 4.9. OVERLAY ZONES

SECTION 4.9.1. IN GENERAL

SECTION 4.9.2. BURTONSVILLE EMPLOYMENT AREA (BEA) OVERLAY ZONE

SECTION 4.9.3. CHEVY CHASE NEIGHBORHOOD RETAIL (CCNR) OVERLAY ZONE

SECTION 4.9.4. CLARKSBURG EAST ENVIRONMENTAL (CEE) OVERLAY ZONE

SECTION 4.9.5. CLARKSBURG WEST ENVIRONMENTAL (CWE) OVERLAY ZONE

SECTION [4.9.4] 4.9.6. COMMUNITY-SERVING RETAIL (CSR) OVERLAY ZONE

SECTION [4.9.5] 4.9.7. FENTON VILLAGE (FV) OVERLAY ZONE

SECTION [4.9.6] 4.9.8. GARRETT PARK (GP) OVERLAY ZONE

SECTION [4.9.7] 4.9.9. GERMANTOWN TRANSIT MIXED USE (GTMU) OVERLAY
ZONE

SECTION [4.9.8] 4.9.10. REGIONAL SHOPPING CENTER (RSC) OVERLAY ZONE

SECTION [4.9.9] 4.9.11. RIPLEY/SOUTH SILVER SPRING (RSS) OVERLAY ZONE

SECTION [4.9.10] 4.9.12. RURAL VILLAGE CENTER (RVC) OVERLAY ZONE

SECTION [4.9.11] 4.9.13. SANDY SPRING/ASHTON RURAL VILLAGE (SSA) OVERLAY
ZONE

SECTION [4.9.12] 4.9.14. TAKOMA PARK/EAST SILVER SPRING COMMERCIAL
REVITALIZATION (TPESS) OVERLAY ZONE

SECTION [4.9.13] 4.9.15. TRANSFERABLE DEVELOPMENT RIGHTS (TDR) OVERLAY
ZONE

SECTION [4.9.14] 4.9.16. TWINBROOK (TB) OVERLAY ZONE

SECTION [4.9.15] 4.9.17. UPPER PAINT BRANCH (UPB) OVERLAY ZONE

SECTION [4.9.16] 4.9.18. UPPER ROCK CREEK (URC) OVERLAY ZONE

28 * * *

29 **Sec. 2. DIVISION 59-1.4 is amended as follows:**

30 **Division 59-1.4. Defined Terms**

31 **Section 59-1.4.1. Rules of Interpretation**

32 The following rules of interpretation apply to this Chapter.

33 * * *

34 **L. Use of “Section”**

35 In this Chapter, where the word “Section” precedes a reference to a
36 subsection, it may mean the subsection referenced.

37 **Section 59-1.4.2. Specific Terms and Phrases Defined**

38 * * *

39 **Coverage:** See Section [4.1.7.B.5] 4.1.7.B.4

40 * * *

41 **Gross Floor Area (GFA):** The sum of the gross horizontal areas of all floors of all
42 buildings on a tract, measured from exterior faces of exterior walls and from the
43 center line of walls separating buildings. Gross floor area includes:

- 44 1. basements;
- 45 2. elevator shafts and stairwells at each floor;
- 46 3. floor space used for mechanical equipment with structural headroom
47 of 6 feet, 6 inches or more, except as exempted in the LSC and
48 Industrial zones;
- 49 4. floor space in an attic with structural headroom of 6 feet, 6 inches or
50 more (regardless of whether a floor has been installed); and
- 51 5. interior balconies and mezzanines.

52 Gross floor area does not include:

- 53 1. mechanical equipment on rooftops;
- 54 2. cellars;
- 55 3. unenclosed steps, balconies, and porches;
- 56 4. [structured] parking;
- 57 5. floor area for publicly owned or operated uses or arts and
- 58 entertainment uses provided as a public benefit under the optional
- 59 method of development;
- 60 [6. floor area for an historic resource recommended in the master plan to
- 61 be preserved and reused, which does not occupy more than 10% of the
- 62 gross floor area;]
- 63 [7] 6. interior balconies and mezzanines for common, non-leasable area in a
- 64 regional shopping center; and
- 65 [8] 7. in the LSC and Industrial zones, floor space used for mechanical
- 66 equipment.

67 * * *

68 **Impervious Surface:** Any [covering] surface that prevents or significantly
69 impedes the infiltration of water into the underlying soil, including any structure,
70 building, patio, [deck,] sidewalk, compacted gravel, pavement, asphalt, concrete,
71 stone, brick, tile, swimming pool, or artificial turf. Impervious surface also
72 includes any area used by or for motor vehicles or heavy commercial equipment
73 regardless of surface type or material, any road, [road shoulder,] driveway, or
74 parking area.

75 * * *

76 **Permeable Area:** Any surface that allows the infiltration of water into the
77 underlying soil. Permeable area does not include any structure, building, patio,
78 [deck,] sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile,
79 swimming pool, artificial turf, or any area used by or for motor vehicles or heavy
80 commercial equipment, regardless of surface type or material, including any road,
81 [road shoulder,] driveway, or parking area.

82 * * *

83 **Road, [Residential] Primary Residential:** See Chapter 49.

84 * * *

85 **Sec. 3. DIVISION 59-2.1 is amended as follows:**

86 **Division 59-2.1. Zones Established**

87 * * *

88 **Section 2.1.3. Establishment of Zones**

89 * * *

90 **G. Overlay Zones**

91 * * *

92 1. There are [15] 17 Overlay zone classifications:

- 93 a. Burtonsville Employment Area (BEA),
- 94 b. Chevy Chase Neighborhood Retail (CCNR),
- 95 c. Clarksburg East Environmental (CEE),
- 96 d. Clarksburg West Environmental (CWE),
- 97 [c] e. Community-serving Retail (CSR),
- 98 [d] f. Fenton Village (FV),
- 99 [e] g. Garrett Park (GP),
- 100 [f] h. Germantown Transit Mixed Use (GTMU),

- 101 [g] i. Regional Shopping Center (RSC),
- 102 [h] j. Ripley/South Silver Spring (RSS),
- 103 [i] k. Rural Village Center (RVC),
- 104 [j] l. Sandy Spring/Ashton Rural Village (SSA),
- 105 [k] m. Takoma Park/East Silver Spring Commercial Revitalization
- 106 (TPESS)
- 107 [l] n. Transferable Development Rights (TDR)
- 108 [m] o. Twinbrook (TB),
- 109 [n] p. Upper Paint Branch (UPB), and
- 110 [o] q. Upper Rock Creek (URC).

111 2. Building types, uses, density, height, and other standards and
 112 requirements may be modified by the Overlay zones under Section
 113 4.9.2 through Section [4.9.16] 4.9.18.

114 * * *

115 **Sec 4. DIVISION 59-2.2 is amended as follows:**

116 **Division 2.2. Zoning Map**

117 **Section 2.2.1. Zoning Maps**

118 **A. Adoption of Zoning Map**

119 * * *

120 4. The Planning Director must file an offline digital copy of the digital
 121 map and must provide a digital copy of the District Council approved
 122 map to the Director of DPS, the Hearing Examiner, the clerk of the
 123 Circuit Court, and the Executive Director of the Board of Appeals on
 124 October 30, 2014.

125 * * *

126 **C. Changes to be Recorded on the Digital Zoning Layer**

127 * * *

128 3. When the digital zoning layer is changed, the Planning Director must
 129 file an offline digital copy of the digital map and must provide a new
 130 digital copy of the map to the Director of DPS, the Hearing Examiner,
 131 the clerk of the Circuit Court, and the Executive Director of the Board
 132 of Appeals within 10 days of the District Council's action.

133 * * *

134 **F. Zoning on October 29, 2014**

135 A property's zoning on October 29, 2014 may be determined by the October
 136 29, 2014 digital zoning map, which will be permanently kept and maintained
 137 by the Planning Department on their website.

138 * * *

139 **Sec. 5. DIVISION 59-3.1 is amended as follows:**

140 **Division 59-3.1. Use Table**

141 * * *

142 **Section 59-3.1.6. Use Table**

143 The following Use Table identifies uses allowed in each zone. Uses may be
 144 modified in Overlay zones under Division 4.9.

145 * * *

USE OR USE GROUP	Definitions and Standards	Residential													Commercial / Residential			Employment			Industrial							
		Ag		Rural Residential				Residential Detached				Residential Townhouse			Residential Multi-Unit			Residential			Employment			Industrial				
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
COMMERCIAL																												
RETAIL SALES AND SERVICE	3.5.11																											

USE OR USE GROUP	Definitions and Standards	Residential													Commercial / Residential			Employment				Industrial					
		Ag	Rural Residential			Residential Detached				Residential Townhouse			Residential Multi-Unit			Commercial / Residential			Employment				Industrial				
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.B																L	P	P	P	P	P	L	L	[P] └	[P] └	[P] └

146 * * *

147 **Sec. 6. DIVISION 59-3.2 is amended as follows:**

148 **Division 59-3.2. Agricultural Uses**

149 * * *

150 **Section 59-3.2.10. Winery**

151 * * *

152 **B. Use Standards**

153 * * *

154 2. Where a Winery is allowed as a conditional use, it may be permitted
 155 by the Hearing Examiner under Section 7.3.1, Conditional Use, and
 156 the following standards:

157 * * *

158 c. The lot must front on and have access to a road built to primary
 159 residential or higher standards.

160 * * *

161 **Section 59-3.2.12. Temporary Agricultural Uses**

162 * * *

163 **B. Seasonal Outdoor Sales**

164 * * *

165 **2. Use Standards**

166 Where Seasonal Outdoor Sales is allowed as a limited use, it must
167 satisfy the following standards:

168 * * *

169 e. In the Agricultural, Rural Residential, Residential, LSC, and
170 EOF zones:

171 i. The property must be vacant or used for nonresidential
172 purposes.

173 ii. Except where Seasonal Outdoor Sales occur on the site of
174 a Religious Assembly use, the site must front on and
175 have access to a road built to primary residential or
176 higher standards.

177 * * *

178 **Sec. 7. DIVISION 59-3.3 is amended as follows:**

179 **Division 59-3.3. Residential Uses**

180 * * *

181 **Section 59-3.3.2. Group Living**

182 * * *

183 **E. Residential Care Facility**

184 * * *

185 **2. Use Standards**

186 * * *

187 c. Residential Care Facility (Over 16 Persons)

188 * * *

189 ii. Where a Residential Care Facility (Over 16 Persons) is
190 allowed as a conditional use, it may be permitted by the

191 Hearing Examiner under Section 7.3.1, Conditional Use,
192 and the following standards:

193 * * *

194 (f) In the R-10 and R-20 zones, the development
195 standards of the apartment building type apply,
196 except as modified by Section 3.3.2.E.2.c.

197 [(f)] (g) Independent dwelling units must satisfy the
198 MPDU provisions of Chapter 25 (Section 25.A-5).

199 [(g)] (h) In a continuing care retirement community,
200 occupancy of any independent dwelling unit is
201 restricted to persons 62 years of age or older, with
202 the following exceptions:

203 * * *

204 [(h)] (i) Height, density, coverage, and parking
205 standards must be compatible with surrounding
206 uses [and]; the Hearing Examiner may modify any
207 standards to maximize the compatibility of the
208 building with the residential character of the
209 surrounding neighborhood.

210 [(i)] (j) In the AR zone, this use may be prohibited
211 under Section 3.1.5, Transferable Development
212 Rights.

213 * * *

214 **Sec. 8. DIVISION 59-3.4 is amended as follows:**

215 **Division 59-3.4. Civic and Institutional Uses**

216 * * *

217 **Section 59-3.4.2. Charitable, Philanthropic Institution**

218 * * *

219 **B. Use Standards**

220 Where a Charitable, Philanthropic Institution is allowed as a conditional use,
221 it may be permitted by the Hearing Examiner under Section 7.3.1,
222 Conditional Use, and the following standards:

223 * * *

224 3. In the AR, R, RC, and RNC:

225 * * *

226 b. The site fronts on and has direct access to a public road built to
227 arterial or higher road standards. Frontage on and access to an
228 arterial or higher standard is not required where the Hearing
229 Examiner finds that road access by a primary residential or
230 secondary residential road will be safe and adequate for the
231 anticipated traffic to be generated.

232 * * *

233 7. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:

234 a. The site fronts on and has direct access to a road built to
235 primary residential road or higher standards. Access to a corner
236 lot may be from an abutting primary street, constructed to
237 primary residential standards, if the Hearing Examiner finds
238 this access to be appropriate and not detrimental to existing
239 residential uses on that primary residential street.

240 * * *

241 **Sec. 9. DIVISION 59-3.5 is amended as follows:**

242 **Division 59-3.5. Commercial Uses**

243 * * *

244 **Section 59-3.5.7. Medical and Dental**

245 **A. Clinic (Up to 4 Medical Practitioners)**

246 * * *

247 **2. Use Standards**

248 Where a Clinic (Up to 4 Medical Practitioners) is allowed as a
249 conditional use, it may be permitted by the Hearing Examiner under
250 Section 7.3.1, Conditional Use, and the following standards:

251 * * *

252 c. The site must front on and have direct access to a business
253 district street or higher classification; however, access to a
254 corner lot may be from an abutting [primary] street built to
255 primary residential standards, if the Hearing Examiner finds the
256 access to be appropriate and not detrimental to existing
257 residential uses on the primary residential street.

258 * * *

259 **Section 59-3.5.8. Office and Professional**

260 **A. Life Sciences**

261 **1. Defined**

262 Life Sciences means the research, development, and manufacturing
263 activities in one or more of the following scientific fields: biology,
264 biophysics, biochemistry, bioelectronics, biotechnology, biomedical
265 engineering, bioinformatics, medicine, immunology, embryology,
266 clinical engineering, diagnostics, therapeutics, nutraceuticals,
267 pharmacogenomics, drug production, genetic testing, or gene therapy

268 activities. Life Sciences also includes a Hospital and uses accessory to
269 a Hospital, other than medical/dental clinic.

270 * * *

271 **B. Office**

272 * * *

273 **2. Use Standards**

274 a. Where an Office is allowed as a limited use, it must satisfy the
275 following standards:

276 i. In the LSC zone, an Office for a company that is not
277 principally engaged in health services, research and
278 development, or high technology industrial activities is
279 limited to 40% of the total gross floor area on the subject
280 site.

281 * * *

282 **Section 59-3.5.10. Recreation and Entertainment**

283 * * *

284 **E. Health Clubs and Facilities**

285 * * *

286 **2. Use Standards**

287 * * *

288 b. In the NR zone, the maximum size is [14,500 square feet of
289 gross floor area] 40% of the floor area of the gross floor area in
290 retail use. The gross floor area in retail use must be calculated
291 after any reconstruction or enlargement.

292 * * *

293 **G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000**
294 **Persons)**

295 * * *

296 **2. Use Standard**

297 Where a Recreation and Entertainment Facility, Outdoor (Capacity up
298 to 1,000 Persons) is allowed as a conditional use, it may be permitted
299 by the Hearing Examiner under Section 7.3.1, Conditional Use and
300 the following standards:

301 a. In the RE-2C zone:

302 * * *

303 v. The site must have direct access to a public road that is
304 built to primary residential or higher standards.

305 b. In the R-200 zone:

306 * * *

307 v. The site must have direct access to a public road that is
308 built to primary residential or higher standards.

309 * * *

310 **H. Recreation and Entertainment Facility, Major (Capacity over 1,000**
311 **Persons)**

312 * * *

313 **2. Use Standards**

314 Where a Recreation and Entertainment Facility, Major (Capacity over
315 1,000 Persons) is allowed as a conditional use, it may be permitted by

316 the Hearing Examiner under Section 7.3.1, Conditional Use, and the
317 following standards:

318 a. In the RE-2C zone:

319 * * *

320 v. The site must have direct access to a public road that is
321 built to primary residential or higher standards.

322 * * *

323 **Section 59-3.5.11 Retail Sales and Service**

324 * * *

325 **B. Retail/Service Establishment**

326 **1. Defined**

327 * * *

328 **2. Use Standards**

329 a. Where a Retail/Service Establishment is allowed as a limited
330 use, it must satisfy the following standards:

331 * * *

332 v. In the EOF zone, Retail/Service Establishment is limited
333 to a maximum of 30% of the total gross floor area [of
334 development approved under one application] on the
335 subject site.

336 * * *

337 **Section 59-3.5.14. Accessory Commercial Uses**

338 * * *

339 **D. Commercial Kitchen**

340 * * *

341 2. Use Standards

342 Where a Commercial Kitchen is allowed as a limited use, it must
343 satisfy the following standards:

- 344 a. The Commercial Kitchen must occupy less than 5% of the floor
345 area of [the building in] all buildings on the tract of land under
346 common ownership on which it is located.

347 * * *

348 **Sec. 10. DIVISION 59-3.6 is amended as follows:**

349 **Division 59-3.6. Industrial Uses**

350 * * *

351 **Section 59-3.6.5. Mining, Excavation**

352 **A. Defined**

353 Mining, Excavation means any use that extracts minerals and other natural
354 resources from land. Mining, Excavation includes borrow pit [and], gravel
355 mining, and all other methods to gather natural resources.

356 * * *

357 **B. Use Standards**

358 * * *

359 2. Where Mining, Excavation is allowed as a conditional use, it may be
360 allowed by the Hearing Examiner under Section 7.3.1, Conditional
361 Use, if the use is recommended for the site by the applicable master
362 plan, and the following standards:

363 * * *

364 **Section 59-3.6.8. Warehouse**

365 * * *

366 **E. Storage Facility**

367 * * *

368 **2. Use Standards**

369 Where a Storage Facility is allowed as a limited use, it must satisfy
370 the following standards:

- 371 a. Outdoor storage is prohibited.
- 372 b. In the CRT[,] and CR[, and EOF] zones, only a facility up to
373 10,000 square feet of gross floor area is allowed.
- 374 c. In the EOF zone, only a facility up to 10,000 square feet of
375 gross floor area is allowed; however, if the facility was legally
376 existing on October 29, 2014, the following are allowed:
 - 377 i. a facility greater than 10,000 square feet of gross floor
378 area; and
 - 379 ii. outdoor storage.

380 * * *

381 **Sec. 11. DIVISION 59-3.7 is amended as follows:**

382 **Division 59-3.7. Miscellaneous Uses**

383 * * *

384 **Section 59-3.7.2. Solar Collection Systems**

385 * * *

386 **B. Use Standards**

387 Where a Solar Collection System is allowed as a limited use, it must satisfy
388 the following standards:

389 * * *

- 390 2. [In the Commercial/Residential, Employment, and Industrial zones, a
391 roof-mounted system may exceed the maximum height by 8 feet

392 under Section 4.1.7.C.3.] Solar panels may encroach into a setback
393 under Section 4.1.7.B.5.C and may exceed the maximum height under
394 Section 4.1.7.C.3.b.

395 * * *

396 **Sec. 12 . DIVISION 59-4.1 is amended as follows:**

397 **Division 59-4.1. Rules for All Zones**

398 * * *

399 **Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural**
400 **Residential, and Residential Zones**

401 * * *

402 **Key:** * * *

403 TDR = Allowed in a TDR Overlay zone as part of optional method TDR
404 Development under Section [4.9.13.B] 4.9.15.B

405 * * *

406 **Section 59-4.1.7. Measurement and Exceptions**

407 * * *

408 **B. Placement**

409 * * *

410 **5. Setback Encroachments**

411 Any building or structure must be located at or behind the required
412 building setback line, except:

413 * * *

414 **c. Solar Panels**

415 A solar panel may project a maximum of 3 feet into any side
416 street or side setback and may project a maximum of 9 feet into
417 any front or rear setback.

418

[c] d. Other Encroachments

419 * * *

C. Height

421 * * *

3. Height Encroachments

422 Any height encroachment not specifically listed is prohibited.

424 * * *

425 b. The maximum height does not apply to solar panels and any
426 roof structure listed in Section 4.1.7.C.3.a, except that in the
427 TLD, TMD, THD, and R-30 zones, an air conditioning unit or
428 similar structure or mechanical appurtenance may exceed the
429 established height limit by a maximum of 8 feet.

430 * * *

Section 4.1.8. Compatibility Requirements

A. Setback Compatibility

1. Applicability

434 a. Section 4.1.8.A applies to a property in a Residential Multi-
435 Unit, Commercial/Residential, Employment, or Industrial zone
436 that:

437 [a] i. abuts a property in an Agricultural, Rural Residential, or
438 Residential zone that is vacant or improved with an
439 agricultural or residential use; and

440 [b] ii. proposes development of an apartment, multi use, or
441 general building type.

442 b. Where Section 4.1.8.A.1.a does not apply, the minimum side
443 and rear setback is equal to the setback required for “Side

444 setback, abutting all other zones” and “Rear setback, abutting
445 all other zones” in the applicable standard method development
446 standards tables in Division 4.4 through Division 4.8.

447 * * *

448 **B. Height Compatibility**

449 * * *

450 **2. Height Restrictions**

451 * * *

452 [c. If not applicable under Section 4.1.8.B.1, the maximum height in the
453 zone is not modified by Section 4.1.8.B.2.]

454 * * *

455 **Sec. 13. DIVISION 59-4.2 is amended as follows:**

456 **Division 59-4.2. Agricultural Zones**

457 **Section 4.2.1. Agricultural Reserve Zone (AR)**

458 * * *

459 **D. Special Requirements for the Transfer of Density**

460 **1. In General**

461 Under Section ~~[4.9.13.B]~~ 4.9.15.B and in conformance with a general
462 plan, master plan, or functional master plan, residential density may
463 be transferred at the rate of one development right per 5 acres minus
464 one development right for each existing dwelling unit, from the AR
465 zone to a duly designated TDR Overlay zone.

466 * * *

467 **2. Recording of Development Right**

468 a. A development right may be created, transferred, and
469 extinguished only by an easement and appropriate release, in a
470 recordable form approved by the Planning Board. Any
471 easement must limit the future construction of detached houses
472 on land zoned AR to the total number of development rights
473 allowed by zoning minus all development rights recorded prior
474 to October 30, 2014 all development rights previously
475 transferred under Section 4.2.1.D.1 and Section [4.9.13.B]
476 4.9.15.B the number of development rights to be transferred by
477 the instant transaction, and the number of existing detached
478 houses on the property.

479 * * *

480 **Sec. 14. DIVISION 59-4.4 is amended as follows:**

481 **Division 59-4.4. Residential Zones**

482 * * *

483 **Section 59-4.4.7. Residential - 200 Zone (R-200)**

484 * * *

485 **B. [RE-200] R-200 Zone, Standard Method Development Standards**

486 * * *

487 **C. [RE-200] R-200 Zone, Optional Method Development Standards**

488 * * *

489 **Section 59-4.4.8. Residential - 90 Zone (R-90)**

490 * * *

491 **B. [RE-90] R-90 Zone, Standard Method Development Standards**

492 * * *

493 **C. [RE-90] R-90 Zone, Optional Method Development Standards**

494 * * *

495 **Section 59-4.4.9. Residential – 60 Zone (R-60)**

496 * * *

497 **C. [RE-60] R-60 Zone, Optional Method Development Standards**

498 * * *

499 **Sec. 15. DIVISION 59-4.5 is amended as follows:**

500 **Division 59-4.5. Commercial/Residential Zones**

501 * * *

502 **Section 59-4.5.2. Density and Height Allocation**

503 * * *

504 **B. FAR Averaging**

505 * * *

506 **4.** If the Planning Board approves a site plan for a development project
507 using FAR averaging that covers two or more lots, the maximum
508 density on certain lots in the development project will be less than or
509 greater than the zone allows, as indicated in the site plan. To provide
510 additional notice of the FAR averaging, before the Planning Board
511 approves a certified site plan for such a project, the applicant must
512 state the gross square footage taken from any lot with reduced density
513 in an instrument approved by the Planning Board and must record the
514 instrument in the Montgomery County land records.

515 * * *

516 **Section 59-4.5.3. Standard Method Development**

517 * * *

518 **C. CRN, CRT, and CR Zones, Standard Method Development Standards**

519 * * *

2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	800 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
CRN Density, FAR	mapped						
CRT Density, FAR	The lesser of: mapped FAR or the greater of 10,000 SF or 1.0 FAR						
CR Density, FAR	The lesser of: mapped FAR or the greater of 10,000 SF or 0.5 FAR						
Specification for Density							
a.	[An] <u>In the CR zone, a historic resource recommended in the applicable master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area, is excluded from the FAR calculation.</u>						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

520 * * *

521 **Section 59-4.5.4. Optional Method Development**

522 * * *

523 **B. Development Standards**

524 **2. Lot, Density, and Height**

- 525 a. Lot standards for detached house, duplex, and townhouse
- 526 building types are determined by the site plan approval process
- 527 under Section 7.3.4.
- 528 b. The maximum total, nonresidential, and residential FARs and
- 529 the maximum height are established by the mapped zone unless
- 530 increased under Section 4.5.2.C and Section 4.7.3.D.6.c.
- 531 c. In the CR zone, a historic resource recommended in the
- 532 applicable master plan to be preserved and reused, which does
- 533 not occupy more than 10% of the gross floor area, is excluded
- 534 from the FAR calculation.

535 * * *

536 **Sec. 16. DIVISION 59-4.6 is amended as follows:**

537 **Division 59-4.6. Employment Zones**

538 * * *

539 **Section 59-4.6.2. Density and Height Allocation**

540 * * *

541 **B. FAR Averaging**

542 * * *

543 4. If the Planning Board approves a site plan for a development project
544 using FAR averaging that covers two or more lots, the maximum
545 density on certain lots in the development project will be less than or
546 greater than the zone allows, as indicated in the site plan. To provide
547 additional notice of the FAR averaging, before the Planning Board
548 approves a certified site plan for such a project, the applicant must
549 state the gross square footage taken from any lot with reduced density
550 in an instrument approved by the Planning Board and must record the
551 instrument in the Montgomery County land records.

552 **C. Special Provisions for “T” Zones Translated from Certain Zones**
553 **Existing Before October 30, 2014**

554 * * *

555 2. For Employment-zoned properties designated with a T, the following
556 provisions apply:

557 * * *

558 b. In the LSC zone, to allow construction of all workforce housing
559 units on-site, residential density may be increased by a
560 maximum of 5% and building height may be increased up to a
561 maximum building height of 200 feet. Density and building
562 height may only be increased to the extent required for the
563 number of workforce housing units that are constructed.

564 c. In any case, to achieve a density bonus under Section 4.6.2.C.2,
565 at least one more MPDU than would be required at 12.5% must
566 be provided.

567 [c] d. Any density increase under Section 4.6.2.C requires site plan
568 Approval under Section 7.3.4.

569 * * *

570 **Section 59-4.6.3. Standard Method Development**

571 * * *

572 **D. LSC Zone, Standard Method Development Standards**

573 * * *

574 **2. Lot and Density**

575 * * *

576 Specification for Density

577 * * *

578 **b.** For a tract larger than 5 acres:

579 A) A minimum of 40% of the gross floor area proposed must be for Life
580 Sciences and related uses. The proposed gross floor area used for the
581 purpose of calculating the minimum percentage of Life Sciences uses
582 excludes[: (1) a Hospital and the Hospital’s accessory uses; and (2)]
583 educational facilities.

584 * * *

585 **Section 59-4.6.4. Optional Method Development**

586 * * *

587 **B. Development Standards**

588 * * *

589 **2. Lot, Density, and Height**

590 * * *

591 d. In the LSC zone:

592 i. For tracts larger than 5 acres:

593 (a) A minimum of 40% of gross floor area proposed
594 must be for Life Sciences and related uses. The
595 proposed gross floor area used for the purpose of
596 calculating the minimum percentage of Life
597 Sciences uses excludes[: (1) a Hospital and the
598 Hospital’s accessory uses; and (2)] educational
599 facilities.

600 * * *

601 **Sec. 17. DIVISION 59-4.7 is amended as follows:**

602 **Division 59-4.7. Optional Method Public Benefits**

603 * * *

604 **Section 4.7.3. Public Benefit Descriptions and Criteria**

605 * * *

606 **F. Protection and Enhancement of the Natural Environment**

607 * * *

608 **6. Transferable Development Right:** For a property that is in a TDR
609 Overlay zone, up to 20 points for the purchase of TDRs under Section
610 [4.9.13.B] 4.9.15.B. Every TDR purchased is worth 1 point.

611 * * *

612 **Sec. 18. DIVISION 59-4.9 is amended as follows:**

613 **Division 59-4.9. Overlay Zones**

614 * * *

615 **Section 59-4.9.4. Clarksburg East Environmental (CEE) Overlay Zone**

616 **A. Purpose**

617 The purpose of the CEE Overlay zone is to:

- 618 1. Protect the water quantity, water quality, habitat, and biological
619 diversity of the Ten Mile Creek watershed and its tributaries.
- 620 2. Regulate the amount and location of impervious surfaces to maintain
621 levels of groundwater, control erosion and water temperature, and
622 retain as many of the functions provided by natural land as possible.
- 623 3. Regulate development that could adversely affect this high quality
624 stream system.
- 625 4. Implement the recommendations of the 2014 Ten Mile Creek Area
626 Limited Amendment to the Clarksburg Master Plan and Hyattstown
627 Special Study Area.

628 **B. Exemptions**

- 629 1. Any impervious surface lawfully existing under a building permit or
630 sediment control permit issued before August 4, 2014 that exceeds the
631 applicable impervious surface restriction may continue or be
632 reconstructed with the same or less impervious surface area under the
633 development standards in effect when the building permit or sediment
634 control permit was issued.

- 635 2. An impervious surface resulting from an addition to an existing
636 detached house or an accessory structure to a detached house, not
637 approved as part of a site plan under Section 7.3.4, is exempt from this
638 Overlay zone’s impervious surface restriction.
- 639 3. On any lot or parcel with an area less than 2 acres as of January 1,
640 2014, any development is exempt from this Overlay zone’s
641 impervious surface restriction.
- 642 4. Impervious surface for any publicly funded road or bikeway identified
643 by the Ten Mile Creek Area Limited Amendment to the Clarksburg
644 Master Plan and Hyattstown Special Study Area is exempt from this
645 Overlay zone’s impervious surface restriction.

646 **C. Land Uses**

647 The land uses and use standards of the underlying zone apply, except that if
648 the underlying zone is R-90, Two-Unit Living, Townhouse Living, and
649 Multi-Unit Living are also permitted.

650 **D. Development Standards**

- 651 1. Except as allowed under Section 4.9.4.B, the total impervious surface
652 area for any development after August 4, 2014 must be a maximum of
653 15% of the total area under application for development.
- 654 2. All environmental buffer areas or natural resources recommended for
655 protection in the Ten Mile Creek Area Limited Amendment to the
656 Clarksburg Master Plan and Hyattstown Special Study Area must be
657 regulated as environmentally sensitive areas, just as other areas
658 identified environmentally sensitive in law, regulations, or in the
659 Planning Board’s Guidelines for the Environmental Management of
660 Development, as amended.

- 661 3. All environmentally sensitive areas must be included in the required
662 open space area.
- 663 4. The minimum area devoted to open space must be 80% of the total
664 area under application for development. For the purpose of this
665 Overlay zone, open space is defined as rural open space as described
666 and managed under Section 6.3.4.A.2, Section 6.3.4.A.4.b, and
667 Section 6.3.4.B.
- 668 5. If the underlying zone is R-90:
- 669 a. the maximum density without MPDU bonus density is 3
670 dwelling units per acre;
- 671 b. the maximum density with MPDU bonus density is 3.66
672 dwelling units per acre;
- 673 c. any type of dwelling unit is permitted, up to the maximum
674 number allowed;
- 675 d. the maximum building height is:
- 676 i. 35 feet for a detached house;
- 677 ii. 50 feet for a duplex or townhouse; and
- 678 iii. 65 feet for an apartment building or any non-residential
679 building; and
- 680 e. when site plan approval is required, the minimum lot area, lot
681 dimensions, building coverage, and building setbacks of the R-
682 90 zone do not apply. Any such requirements must be
683 determined by the Planning Board during the site plan approval
684 process.

685 **E. Site Plan**

- 686 1. Any development that must file a preliminary plan of subdivision
687 under Chapter 50 requires approval of a site plan by the Planning
688 Board under Section 7.3.4, unless excluded under Section 4.9.4.E.2.
689 2. A lot or parcel that is occupied by a detached house and that has not
690 changed in size or shape since January 1, 2014 is excluded from the
691 site plan approval requirement.

692 **Section 59-4.9.5. Clarksburg West Environmental (CWE) Overlay Zone**

693 **A. Purpose**

694 The purpose of the CWE Overlay zone is to:

- 695 1. Protect the water quantity, water quality, habitat, and biological
696 diversity of the Ten Mile Creek watershed and its tributaries.
697 2. Regulate the amount and location of impervious surfaces to maintain
698 levels of groundwater, control erosion and water temperature, and
699 retain as many of the functions provided by natural land as possible.
700 3. Regulate development that could adversely affect this high quality
701 stream system.
702 4. Implement the recommendations of the 2014 Ten Mile Creek Area
703 Limited Amendment to the Clarksburg Master Plan and Hyattstown
704 Special Study Area.

705 **B. Exemptions**

- 706 1. Any impervious surface lawfully existing under a building permit or
707 sediment control permit issued before August 4, 2014 that exceeds the
708 applicable impervious surface restriction may continue or be
709 reconstructed with the same or less impervious surface area under the

- 710 development standards in effect when the building permit or sediment
711 control permit was issued.
- 712 2. An impervious surface resulting from an addition to an existing
713 detached house or an accessory structure to a detached house, not
714 approved as part of a site plan under Section 7.3.4, is exempt from this
715 Overlay zone’s impervious surface restriction.
- 716 3. On any lot or parcel with an area less than 2 acres as of January 1,
717 2014, any development is exempt from this Overlay zone’s
718 impervious surface restriction.
- 719 4. Impervious surface for any publicly funded road or bikeway identified
720 by the Ten Mile Creek Area Limited Amendment to the Clarksburg
721 Master Plan and Hyattstown Special Study Area is exempt from this
722 Overlay zone’s impervious surface restriction.

723 **C. Land Uses**

724 The land uses and use standards of the underlying zone apply.

725 **D. Development Standards**

- 726 1. Except for County owned land or land under a conservation easement
727 granted to the benefit of the County and development exempted under
728 Section 4.9.5.B, the total impervious surface area for any development
729 after August 4, 2014 must be a maximum of 6% of the total area
730 under application for development.
- 731 2. County owned land or land under a conservation easement granted to
732 the benefit of the County that is not managed as parkland by the
733 Maryland-National Capital Park and Planning Commission may not
734 add any impervious surface.

760 2. A lot or parcel that is occupied by a detached house and that has not
761 changed in size or shape since January 1, 2014 is excluded from the
762 site plan approval requirement.

763 3. Any detached house that is served by a septic facility is excluded from
764 the site plan approval requirement.

765

766 **Section 59-[4.9.4] 4.9.6. Community-serving Retail (CSR) Overlay Zone**

767 * * *

768 **Section 59-[4.9.5] 4.9.7. Fenton Village (FV) Overlay Zone**

769 * * *

770 **C. Development Standards**

771 1. Building Height

772 * * *

773 b. Maximum building height is 60 feet along any street
774 confronting any block that includes property in a Residential
775 Detached zone and, when a building is allowed to be higher
776 than 60 feet under Section [4.9.5.C.1.c] 4.9.7.C.1.c each
777 additional foot in building height above 60 feet requires at least
778 an additional one foot stepback from the front of the building
779 along Fenton Street;

780 * * *

781 e. For properties with frontage on both Wayne Avenue and Fenton
782 Street, in spite of the height limitations in Section [4.9.5.C.1.b]
783 4.9.7.C.1.b through Section [4.9.5.C.1.d] 4.9.7.C.1.d, maximum
784 building height may be increased by 15 feet for a building that

785 includes residential uses or a mix of residential and commercial
786 uses, if such additional height is not more than 200 feet from
787 the right-of-way line for Fenton Street as recommended in the
788 Approved and Adopted 2000 Silver Spring CBD Sector Plan;
789 however, any building using additional height must be set back
790 from abutting Residentially zoned land no less than the setback
791 required in the abutting Residential zone or the height of the
792 building, whichever is greater.

793 f. Building heights may be approved under the standards of
794 Section [4.9.5.C.1] 4.9.7.C.1 without regard to the building
795 height recommendations of the master plan.

796 * * *

797 **Section 59-[4.9.6] 4.9.8. Garrett Park (GP) Overlay Zone**

798 * * *

799 **C. Land Uses**

800 The land uses and use standards of the underlying zone are applicable unless
801 the development standards in Section [4.9.6.D] 4.9.8.D are more restrictive,
802 in which case, Section [4.9.6.D] 4.9.8.D must be followed.

803 * * *

804 **Section 59-[4.9.7] 4.9.9. Germantown Transit Mixed Use (GTMU) Overlay**
805 **Zone**

806 * * *

807 **Section 59-[4.9.8] 4.9.10. Regional Shopping Center (RSC) Overlay Zone**

808 * * *

809 **D. Site Plan**

810 Site plan approval under Section 7.3.4 is required for any increase in
811 building height under Section [4.9.8.C.1] 4.9.10.C.1.

812 **E. Parking**

813 * * *

814 **2. Pedestrian Access**

815 The major point of pedestrian access for an off-street parking facility
816 that occupies contiguous land area integral to the regional shopping
817 center property may extend more than 500 feet walking distance from
818 an entrance to the center to satisfy the number of spaces required
819 under Section [4.9.8.E.1.a] 4.9.10.E.1.a.

820 * * *

821 **Section 59-[4.9.9] 4.9.11. Ripley/South Silver Spring (RSS) Overlay Zone**

822 * * *

823 **C. Development Standards**

824 **1. Building Height**

825 * * *

826 a. [The] For a property zoned CR and mapped at 200 feet, the
827 Planning Board may approve a maximum building height of
828 200 feet in any [CR] optional method development project that
829 provides ground floor retail. Any structure or device used to
830 collect or radiate electromagnetic waves, including a satellite
831 dish, must not be included in calculating building height under
832 this paragraph.

833 * * *

834 4. In the CR zone, under the standard method of development the
835 maximum FAR is 1.0 if approved by site plan under Section 7.3.4.

836 5. Under standard method development, the public open space
837 requirement may be transferred to other properties within the Overlay
838 zone if approved by a site plan under Section 7.3.4.

839 * * *

840 **Section 59-[4.9.10] 4.9.12. Rural Village Center (RVC) Overlay Zone**

841 * * *

842 **C. Development Standards**

843 1. Where a lot is either partially or totally in a Commercial/Residential
844 zone:

845 * * *

846 e. In addition to the parking requirements in Division 6.2:

847 * * *

848 iii. For any cumulative enlargement of a surface parking
849 facility that is greater than 50% of the total parking area
850 approved before November 4, 2002 the entire off-street
851 parking facility must be brought into conformance with
852 Section [4.9.10] 4.9.12.

853 * * *

854 **D. Site Plan**

855 * * *

856 2. Site plan approval is not required for a detached house exempt from
857 subdivision or for a property that is exempt from platting requirements
858 under Section 50-9(j).

859

860 **Section 59-[4.9.11] 4.9.13. Sandy Spring/Ashton Rural Village (SSA) Overlay**
861 **Zone**

862 * * *

863 **Section 59-[4.9.12] 4.9.14. Takoma Park/East Silver Spring Commercial**
864 **Revitalization (TPESS) Overlay Zone**

865 * * *

866 **B. Land Uses**

867 1. [Multi-Unit Living is only allowed in a multi use building type unless
868 this requirement is waived by the Planning Board.]

869 Residential Uses

870 a. In the CRT zone, residential density may be increased above
871 the number following the R on the zoning map, up to the
872 maximum total mapped density.

873 b. In the NR zone, Household Living uses may exceed 30% of the
874 total gross floor area on the subject site up to the maximum
875 mapped density.

876 c. Residential uses must be in a multi use building type with the
877 ground floor devoted to commercial uses, unless this
878 requirement is waived by the Planning Board.

- 879 2. In the CRT [zone] and NR zones, the following additional Recreation
880 and Entertainment Facility, Indoor (Capacity up to 1,000 Persons)
881 uses are permitted: bowling alley and theater.
- 882 3. In the CRT [zone] and NR zones, the following uses, as allowed in the
883 underlying zone, are allowed in the Overlay zone only if the use does
884 not abut or confront land in a Residential Detached zone:
- 885 a. Car Wash;
- 886 b. Filling Station;
- 887 c. Funeral Home, Undertaker;
- 888 d. Light Vehicle Sales and Rental (Indoor);
- 889 e. Light Vehicle Sales and Rental (Outdoor);
- 890 f. Repair (Major); and
- 891 g. Repair (Minor).
- 892 4. In the NR zone, the following additional uses are permitted:
- 893 a. Clinic (More than 4 Medical Practitioners)
- 894 b. Cultural Institutions
- 895 c. Research and Development
- 896 d. Artisan Manufacturing and Production

897 **C. Development Standards**

- 898 1. The maximum building height is 30 feet; however, the Planning
899 Board may allow a building height:
- 900 [1] a. up to 42 feet for commercial development[,]; and
- 901 [2] b. up to 50 feet to accommodate residential development if the
902 Planning Board finds that such buildings are compatible with
903 the neighborhood and substantially conform with the intent of
904 the applicable master plan.

- 905 2. Household Living uses must meet the development standards of the
906 underlying zone, but the required open space may be adjusted to
907 assure compatibility of uses, or to provide adequate area to
908 accommodate housing, if appropriate.
- 909 3. In the NR zone, surface parking must be behind the front building
910 line.

911 **D. Site Plan**

912 * * *

- 913 2. During site plan review, the Planning Board may:
- 914 a. [where recommended in the master plan, allow direct pedestrian
915 access for all uses from the exterior of a structure in the EOF or
916 CRT zone; and] waive the requirements for parking setbacks
917 and the number of spaces where it finds that such waivers will
918 accomplish the goals of the master plan including revitalization,
919 enhancing the pedestrian environment, and encouraging the use
920 of transit;
- 921 b. waive the building setbacks in the NR zone;
- 922 c. where recommended in the master plan, allow direct pedestrian
923 access for all uses from the exterior of a structure in the EOF or
924 CRT zone; and
- 925 [b] d. reduce building setbacks to accomplish master plan objectives.
- 926 3. For any addition, reconstruction, or alteration that changes a building
927 by less than 1,000 square feet that does not require site plan approval
928 under Section [4.9.12.D.1.c] 4.9.14.D.1.c, there will be a review of the
929 building permit by the Planning Board or its designee to determine

930 compliance with master plan recommendations and the provisions of
931 this Overlay zone. If an existing building is located on the site or on
932 an adjacent property, the minimum setback of the zone may be
933 reduced to conform to the existing setback on the site or on the
934 adjacent property.

935 * * *

936 **Section 59-[4.9.13] 4.9.15. Transferable Development Rights (TDR) Overlay**
937 **Zone**

938 * * *

939 **B. Optional Method**

940 **1. In General**

941 The TDR Overlay optional method of development permits an
942 increase in the maximum residential density, if the development
943 satisfies the requirements for optional method development using
944 Transferable Development Rights under Section [4.9.13.B] 4.9.15.B.

945 **a. Applicability**

946 The procedures and requirements in Section [4.9.13.B] 4.9.15.B
947 apply to the transfer of development rights from land in the AR
948 zone to land in a Transferable Development Rights (TDR)
949 Overlay zone.

950 * * *

951 **c. Recording of Development Right**

952 * * *

953 ii. A final record plat for a subdivision using transferred
954 development rights must contain a statement including

955 the development proposed, the zoning classification of
956 the property, the number of development rights used, and
957 a notation of the recordation of the conveyance as
958 required by Section [4.9.13.B] 4.9.15.B.

959 **d. Development with Moderately Priced Dwelling Units**

- 960 i. A property developed under Section [4.9.13.B] 4.9.15.B
961 must satisfy Chapter 25A.
- 962 ii. A density bonus allowed under Chapter 25A is calculated
963 after the base density of the property has been increased
964 under Section [4.9.13.B] 4.9.15.B through TDRs.
- 965 iii. In a Rural Residential or Residential zone, development
966 using TDRs and providing MPDUs above 12.5% must
967 follow the requirements under optional method MPDU
968 Development.

969 **e. Additional Findings**

970 In addition to the findings required for approval of a site plan
971 under Section 7.3.4, for projects developed under Section
972 [4.9.13.B] 4.9.15.B the Planning Board must find that the
973 proposed development provides an appropriate range of
974 housing types that takes advantage of existing topography and
975 environmental features and achieves a compatible relationship
976 between the proposed development and adjoining land uses.

977 * * *

978 **Section 59-[4.9.14] 4.9.16. Twinbrook (TB) Overlay Zone**

979 * * *

980 **Section 59-[4.9.15] 4.9.17. Upper Paint Branch (UPB) Overlay Zone**

981 * * *

982 **B. Exemptions**

983 The following are exempt from Section [4.9.15] 4.9.17:

984 * * *

985 **C. Land Uses**

986 1. Except as listed in Section [4.9.15.C.2] 4.9.17.C.2 and Section
987 [4.9.15.C.3] 4.9.17.C.3, the land uses of the underlying zone are
988 applicable. The use standards of the underlying zone are applicable
989 unless the development standards in Section [4.9.15.D] 4.9.17.D are
990 more restrictive, in which case Section [4.9.15.D] 4.9.17.D must be
991 followed.

992 * * *

993 3. If validly existing on July 1, 1997, the uses in Section [4.9.15.C.2]
994 4.9.17.C.2 may be continued under the requirements in effect at the
995 time the use was established. Any expansion requires compliance with
996 the UPB Overlay zone.

997 * * *

998 **E. Waiver**

999 The applicable review body may grant a waiver of the development standards
1000 in Section [4.9.15.D] 4.9.17.D if it finds that:

- 1001 1. The 8% impervious surface limit would cause an undue hardship on
1002 the applicant because of events or circumstances not caused or
1003 facilitated by the applicant;
- 1004 2. The application otherwise complies with all applicable Federal, State,
1005 and County water quality provisions;
- 1006 3. The relief sought is the minimum needed to prevent the undue
1007 hardship; and
- 1008 4. Alternative water quality and control techniques are used to meet the
1009 purposes of Section [4.9.15] 4.9.17.

1010 **Section 59-[4.9.16.] 4.9.18. Upper Rock Creek (URC) Overlay Zone**

1011 * * *

1012 **B. Exemptions**

1013 The following are exempt from Section [4.9.16] 4.9.18:

1014 * * *

1015 **D. Waiver**

1016 The applicable review body may grant a waiver of the development
1017 standards in Section [4.9.16.C] 4.9.18.C if it finds that:

- 1018 1. The 8% impervious surface limit would cause an undue hardship on
1019 the applicant because of events or circumstances not caused or
1020 facilitated by the applicant or the applicant can demonstrate that the
1021 impervious surface limit would prevent the applicant from building
1022 the maximum number of affordable housing units otherwise allowed
1023 by the zone. If the applicable review body grants a waiver from the
1024 8% impervious surface limit for affordable housing, it must approve

1025 the minimum increase necessary to allow the affordable housing. In
1026 no event may the waiver result in development with more than 10%
1027 impervious surface area;

1028 2. The application otherwise complies with all applicable Federal, State,
1029 and County water quality regulations;

1030 3. The relief sought is the minimum needed to prevent the undue
1031 hardship; and

1032 4. Alternative water quality and quantity control techniques are used to
1033 meet the purposes of Section [4.9.16] 4.9.18.

1034 * * *

1035 Sec. 19. DIVISION 59-5.1 is amended as follows:

1036 **Division 59-5.1. In General**

1037 * * *

1038 **Section 59-5.1.3. Applicability**

1039 **A.** A Floating zone must not be approved for property that is in an Agricultural
1040 or Rural Residential zone.

1041 **B.** If a Floating zone is recommended in a master plan, there are no
1042 prerequisites for an application. For properties with a master plan
1043 recommendation for a Floating zone that can no longer be applied for as of
1044 October 30, 2014, the following table identifies the equivalent Floating
1045 zones that can be applied for:

<u>Master Plan Recommended Floating Zone</u>	<u>Equivalent Floating Zone</u>
<u>C-Inn</u>	<u>None (See Use Table under Section 3.1.6)</u>
<u>R-MH</u>	<u>RDF</u>
<u>RT-6.0, RT-8.0, RT-10.0, RT-12.5, RT-15.0</u>	<u>TF</u>
<u>R-H, R-4plex</u>	<u>AF</u>
<u>P-D</u>	<u>AF or CRNF</u>
<u>C-T</u>	<u>CRNF</u>
<u>MXN, MXP, PNZ, PRC, T-S</u>	<u>CRTF</u>
<u>H-M, TS-M, TS-R</u>	<u>CRF</u>
<u>C-3, PCC</u>	<u>GRF</u>
<u>C-P, I-3, O-M</u>	<u>EOFF</u>
<u>RS</u>	<u>IMF</u>

1046

1047 * * *

1048 **Sec. 20. DIVISION 59-6.2 is amended as follows:**

1049 **Division 59-6.2. Parking, Queuing, and Loading**

1050 * * *

1051 **Section 59-6.2.3. Calculation of Required Parking**

1052 The minimum number of vehicle and bicycle parking spaces required in all zones
 1053 is the sum of the number of spaces required for each applicable land use in the
 1054 tables in Section 6.2.4.B and Section 6.2.4.C, unless the total number is reduced
 1055 under Section [6.2.3.H] 6.2.3.I.

1056 * * *

1057 **D. Car-Share Spaces**

1058 * * *

1059 **E. Spaces for Charging Electric Vehicles**

1060 Any parking facility constructed after May 12, 2014, containing 100 parking
 1061 spaces, must have a minimum of one parking space ready to be converted to
 1062 a station for charging electric vehicles. One additional charging station ready

1063 parking space is required for each additional 100 parking spaces in the
1064 facility.

1065 **[E] F. Bicycle Parking**

1066 * * *

1067 **[F] G. Off-Site Parking by Agreement**

1068 * * *

1069 **[G] H. Parking Minimums and Maximums**

1070 **1. Parking Lot District**

1071 a. In a Parking Lot District, an applicant may provide fewer
1072 parking spaces than required, after all adjustments are made
1073 under Section [6.2.3.H] 6.2.3.I, if payment is made under
1074 Chapter 60.

1075 * * *

1076 **2. Reduced Parking Area**

1077 a. In a Reduced Parking Area, an applicant may provide fewer
1078 parking spaces than required, after all adjustments are made
1079 under Section [6.2.3.H] 6.2.3.I, only under Alternative
1080 Compliance (see Division 6.8).

1081 b. In a Reduced Parking Area, an applicant may provide more
1082 parking spaces than allowed by the maximum if all of the
1083 parking spaces provided in excess of the maximum number
1084 allowed are made available to the public and are not reserved,
1085 or if approved under Alternative Compliance (see Division 6.8).

1086 **[H] I. Adjustments to Vehicle Parking**

1087 **1. In General**

- 1088 a. Reduced parking rates under Section [6.2.3.H] 6.2.3.I are not
1089 mandatory. The maximum number of parking spaces allowed in
1090 a Parking Lot District or Reduced Parking Area is based on the
1091 baseline maximum in the parking table under Section 6.2.4.B.
- 1092 b. Adjustments under Section [6.2.3.H] 6.2.3.I to the minimum
1093 number of required parking spaces must not result in a
1094 reduction below 50% of the baseline parking minimum or
1095 shared parking model minimum.

1096 **2. Special Uses**

- 1097 a. The parking minimum resulting from a Special Uses adjustment
1098 may not be further reduced by additional adjustments under
1099 Section [6.2.3.H] 6.2.3.I.

1100 * * *

1101 **c. Religious Assembly**

- 1102 i. The deciding body may reduce the required number of
1103 parking spaces:
- 1104 (a) to [0] 0.15 spaces per fixed seat for a Religious
1105 Assembly located within 500 feet of any
1106 commercial or industrial parking lot where
1107 sufficient spaces are available during the time of
1108 services to make up the difference; or

1109 * * *

1110 **3. Shared Parking**

1111 * * *

1112 b. The minimum number of required parking spaces under the
1113 shared parking model may be adjusted under Section
1114 [6.2.3.H.4] 6.2.3.I.4 through Section [6.2.3.H.6] 6.2.3.I.6.

1115 * * *

1116 **Section 59-6.2.5. Vehicle Parking Design Standards**

1117 * * *

1118 **F. Spaces for Charging Electric Vehicles**

1119 An electric vehicle charging station ready parking space must be:

- 1120 1. located in a preferential, highly visible area within the parking
1121 facility;
- 1122 2. a minimum width of 9 feet;
- 1123 3. designed so that the space and pathways for the future installation of
1124 at least a 120 volt charging station and associated infrastructure are
1125 provided; and
- 1126 4. constructed such that all conduits leading to the electrical room,
1127 including electrical service conduit, service size, and the electrical
1128 room are appropriately sized to accommodate future electrical
1129 equipment necessary for the number of electric vehicle charging
1130 station ready parking spaces required.

1131 * * *

1132 **[F] G. Drive Aisles**

1133 * * *

1134 **[G] H. Parking Separation**

1135 * * *

1136 **[H] I. Walkways**

1137 * * *

1138 **[I] J. Drainage**

1139 * * *

1140 **[J] K. Facilities for Conditional Uses in Residential Detached Zones**

1141 * * *

1142 **[K] L. Commercial Vehicle Parking for Properties with a Residential Use**

1143 **1. In General**

1144 a. Vehicles and machinery used primarily for Farming may be
1145 parked without restriction.

1146 b. Parking of a tow truck with a vehicle attached is prohibited.

1147 c. A commercial vehicle under Section [6.2.5.K] 6.2.5.L must be
1148 owned or used by an occupant of the dwelling.

1149 * * *

1150 **3. RE-2, RE-2C, and RE-1 Zones**

1151 * * *

1152 b. Any property zoned RE-1 that does not have a minimum lot
1153 area of 40,000 square feet, must satisfy the requirements for
1154 Surface Parking in R-200, R-90, and R-60 under Section
1155 [6.2.5.L] 6.2.5.M.

1156 * * *

1157 **[L] M. Surface Parking in R-200, R-90, R-60, and R-40 Zones**

- 1158 1. Parking for any vehicle or trailer in the area between the lot line and
- 1159 the front building line must be on a surfaced parking area.
- 1160 2. Except as provided in Section [6.2.5.L.3] 6.2.5.M.3, the maximum
- 1161 surfaced parking area between the lot line and the front building line,
- 1162 excluding the surfaced parking area in a driveway on a pipestem or
- 1163 flag-shaped lot, is:
 - 1164 a. in the R-200 and R-90 zones, 30% or 320 square feet,
 - 1165 whichever is greater; and
 - 1166 b. in the R-60 and R-40 zones, 35% or 320 square feet, whichever
 - 1167 is greater.
- 1168 3. A surfaced parking area may exceed the size limits in Section
- 1169 [6.2.5.L.2] 6.2.5.M.2 if:

1170 * * *

1171 **Sec. 21. DIVISION 59-7.3 is amended as follows:**

1172 **Division 59-7.3. Regulatory Approvals**

1173 **Section 59-7.3.1 Conditional Use**

1174 * * *

1175 **F. Decision**

1176 **1. Hearing Examiner**

1177 * * *

- 1178 c. Any party of record or aggrieved party may[, no later than 10
- 1179 days after the transmittal of notification that the Hearing
- 1180 Examiner's report and decision are available for review,] file a
- 1181 written request to present oral argument before the Board of
- 1182 Appeals within 10 days after the Office of Zoning and

1183 Administrative Hearings issues the Hearing Examiner's report
1184 and decision. The filing of such a request transfers jurisdiction
1185 over the matter from the Hearing Examiner to the Board of
1186 Appeals.

1187 * * *

1188 **K. Amendments**

1189 * * *

1190 **2. Minor Amendment**

1191 * * *

1192 b. When a minor amendment is granted, the Board of
1193 Appeals or Hearing Examiner must send a copy of the
1194 resolution to the applicant, the Board of Appeals or
1195 Hearing Examiner, as appropriate, the Planning Board,
1196 DPS, the Department of Finance, all parties entitled to
1197 notice at the time of the original filing, and current
1198 abutting and confronting property owners. The
1199 resolution must state that any party may[, within 15 days
1200 after the resolution is sent,] request a public hearing on
1201 the Board of Appeals' or Hearing Examiner's action
1202 within 15 days after the Office of Zoning and
1203 Administrative Hearings issues the resolution. ...

1204 * * *

1205 **Section 59-7.3.3. Sketch Plan**

1206 * * *

1207 **E. Necessary Findings**

1208 To approve a sketch plan, the Planning Board must find that the following
1209 elements are appropriate in concept and appropriate for further detailed
1210 review at site plan. The sketch plan must:

- 1211 1. meet the objectives, general requirements, and standards of this
1212 Chapter;
- 1213 2. substantially conform with the recommendations of the applicable
1214 master plan;
- 1215 3. satisfy under Section 7.7.1.B.5 the binding elements of any
1216 development plan or schematic development plan in effect on October
1217 29, 2014;
- 1218 4. under Section 7.7.1.B.5, for properties whose zoning classification on
1219 October 29, 2014 was the result of a Local Map Amendment, satisfy
1220 any green area requirement in effect on October 29, 2014;
- 1221 [4] 5. achieve compatible internal and external relationships between
1222 existing and pending nearby development;
- 1223 [5] 6. provide satisfactory general vehicular, pedestrian, and bicyclist
1224 access, circulation, parking, and loading;
- 1225 [6] 7. propose an outline of public benefits that supports the requested
1226 incentive density and is appropriate for the specific community; and
- 1227 [7] 8. establish a feasible and appropriate phasing plan for all structures,
1228 uses, rights-of-way, sidewalks, dedications, public benefits, and future
1229 preliminary and site plan applications.

1230 * * *

1231 **Section 59-7.3.4. Site Plan**

1232 * * *

1233 **E. Necessary Findings**

1234 1. When reviewing an application, the findings of approval only apply to
1235 the area encompassed by the application.

1236 2. To approve a site plan, the Planning Board must find that the
1237 proposed development:

1238 a. satisfies any previous approval that applies to the site[,
1239 including any development plan or schematic development plan
1240 in effect on October 29, 2014];

1241 b. satisfies under Section 7.7.1.B.5 the binding elements of any
1242 development plan or schematic development plan in effect on
1243 October 29, 2014;

1244 c. satisfies under Section 7.7.1.B.5 any green area requirement in
1245 effect on October 29, 2014 for properties whose zoning
1246 classification on October 29, 2014 was the result of a Local
1247 Map Amendment;

1248 [b] d. satisfies applicable use standards, development standards, and
1249 general requirements under this Chapter;

1250 [c] e. satisfies the applicable requirements of:

1251 i. Chapter 19, Erosion, Sediment Control, and Stormwater
1252 Management; and

1253 ii. Chapter 22A, Forest Conservation.

1254 [d] f. provides safe, well-integrated parking, circulation patterns,
1255 building massing and, where required, open spaces and site
1256 amenities;

1257 [e] g. substantially conforms with the recommendations of the
1258 applicable master plan and any guidelines approved by the
1259 Planning Board that implement the applicable plan;

1260 [f] h. will be served by adequate public services and facilities
1261 including ...

1262 * * *

1263 [g] i. on a property in a Rural Residential or Residential zone, is
1264 compatible with the character of the residential neighborhood;
1265 and

1266 [h] j. on a property in all other zones, is compatible with existing and
1267 approved or pending adjacent development.

1268 * * *

1269 **Sec. 22. DIVISION 59-7.4 is amended as follows:**

1270 **Division 59-7.4. Administrative Approvals**

1271 **Section 59-7.4.1. Building Permit**

1272 * * *

1273 **C. Review and Recommendation**

1274 DPS must submit the application to the Planning Director for review for any
1275 building permit that requests

1276 * * *

1277 3. construction that increases the gross floor area of any residential
1278 structure by more than [500 square feet] 50% of the existing gross
1279 floor area.

1280 * * *

1281 **Sec. 23. DIVISION 59-7.7 is amended as follows:**

1282 **Division 59-7.7. Exemptions and Nonconformities**

1283 **Section 59-7.7.1. Exemptions**

1284 **A. Existing Structure, Site Design, or Use on October 30, 2014**

1285 1. Structure and Site Design

1286 A legal structure or site design existing on October 30, 2014 that does
1287 not meet the zoning standards on or after October 30, 2014 is
1288 conforming and may be continued, renovated, repaired, or
1289 reconstructed if the floor area, height, and footprint of the structure is
1290 not increased, except as provided for in Section 7.7.1.C for structures
1291 in Commercial/Residential, Employment or Industrial zones, or
1292 Section 7.7.1.D.5 for structures in Residential Detached zones.

1293 2. Use

1294 [Any] Except for a Registered Living Unit, any use that was
1295 conforming or not nonconforming on October 29, 2014 and that
1296 would otherwise be made nonconforming by the application of zoning
1297 on October 30, 2014 is conforming, but may not expand.

1298 **B. Application Approved or Filed for Approval before October 30, 2014**

1299 **1. Application in Progress before October 30, 2014**

1300 Any development plan, schematic development plan, diagrammatic
1301 plan, concept plan, project plan, sketch plan, preliminary plan, record
1302 plat, site plan, special exception, variance, or building permit filed or
1303 approved before October 30, 2014 must be reviewed under the
1304 standards and procedures of the Zoning Ordinance in effect on
1305 October 29, 2014. Any complete Local Map Amendment application

1306 submitted to the Hearing Examiner by May 1, 2014, must be reviewed
1307 under the standards and procedures of the Zoning Ordinance in effect
1308 on October 29, 2014. If the District Council approves such an
1309 application after October 30, 2014 for a zone that is not retained in
1310 Chapter 59, then the zoning will automatically convert to the
1311 equivalent zone as translated under DMA [G-95] G-956 when the
1312 Local Map Amendment is approved. The approval of any of these
1313 applications or amendments to these applications [approved before
1314 October 30, 2014] will allow the applicant to proceed through any
1315 other required application or step in the process within the time
1316 allowed by law or plan approval, under the standards and procedures
1317 of the Zoning Ordinance in effect on October 29, 2014.

1318 * * *

1319 **5. Development with a Development Plan or Schematic Development**
1320 **Plan Approved before October 30, 2014**

1321 Any development allowed on property [subject to the binding
1322 elements of a District Council approved development plan or
1323 schematic development plan on October 30, 2014] whose zoning
1324 classification on October 29, 2014 was the result of a Local Map
1325 Amendment must satisfy [those binding elements] the green area
1326 requirements of the zone in effect on October 29, 2014 and any
1327 binding elements until [the property is]:

- 1328 a. the property is subject to a Sectional Map Amendment that
1329 implements a master plan approved after October 30, 2014;
1330 b. the property is rezoned by Local Map Amendment; or

1331 c. the binding element is revised by a [major] development plan
1332 amendment under the procedures in effect on October 29,
1333 2014.

1334 * * *

1335 **C. Expansion of Floor Area Existing on October 30, 2014**

1336 **1. Limited Rights under Zoning before October 30, 2014**

1337 Until October 30, 2039, on land that is located in a
1338 Commercial/Residential, Employment, or Industrial zone, an
1339 applicant for an amendment to an application listed in Section
1340 7.7.1.B.1 may increase the floor area on the site [by the lesser of 10%
1341 of the gross floor area approved for the site on October 30, 2014 or
1342 30,000 square feet, except for properties with 2,000 square feet or less
1343 of floor area, which may expand up to 30% of the gross floor area
1344 approved for the site on October 30, 2014,] under Section 7.7.1.C.2 or
1345 7.7.1.C.3 following the procedure and standards of the property's
1346 zoning on October 29, 2014[, if]:

1347 a. [The] if the building does not exceed the height limits and
1348 density of the property's zoning in effect on October 29, 2014;

1349 b. [Any] if any building on the site is no closer to property in a
1350 Residential Detached zone that is vacant or improved with a
1351 Single-Unit Living use than any existing structure on the site on
1352 October 30, 2014 or satisfies the setbacks of the current zoning;
1353 and

1354 c. [If] when a site plan or site plan amendment is required by the
1355 property's zoning on October 29, 2014, [then] a site plan or a
1356 site plan amendment is approved under the standards of site
1357 plan approval on October 29, 2014.

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2. All prior zones

Any applicant in a Commercial/Residential, Employment, or Industrial zone may seek approval for the lesser of 10% of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet, except for properties with 2,000 square feet or less of floor area, which may expand up to 30% of the gross floor area approved for the site on October 30, 2014.

3. Prior Floating Zones

- a. Any applicant whose property zoning on October 29, 2014 was the result of a Local Map Amendment and the approved development plan lacks any binding elements, may seek approval for an increase in floor area of any amount under Section 7.7.1.C.3.B.
- b. If the District Council approves a development plan amendment larger than allowed under Section 7.7.1.C.2, the zoning of the property subject to the amendment will automatically convert and be remapped to the equivalent zone as translated under DMA G-956, with the density and height approved in the amendment.

[2] 4. Expansion above Section [7.7.1.C.1 or Amendment after Section 7.7.1.B.3.a] 7.7.1.C.2

Any portion of an enlargement that exceeds Section [7.7.1.C.1] 7.7.1.C.2 must satisfy the applicable standards and procedures for the current zoning. After October 30, 2039, any amendment to a previously approved application must satisfy the applicable standards and procedures for the current zoning to the extent of (a) any

1384 expansion, and (b) any other portion of an approved development that
1385 the amendment changes.

1386 **D. Residential Lots and Parcels**

1387 * * *

1388 **6. Exempted Lots and Parcels in the RE-2C Zone**

1389 A lot or parcel in the RE-2C zone, in addition to other exemptions in
1390 this subsection, is exempt from the area and dimension requirements
1391 of the RE-2C zone, but must satisfy the requirements of the zone
1392 applicable to it before its classification to the RE-2C zone if:

- 1393 a. the property owner held title to the property before March 17,
1394 1982;
- 1395 b. a reduced lot size is required for a lot created for a detached
1396 house;
- 1397 c. the child of the property owner or the spouse of a child, or the
1398 parents of the property owner will reside in the house on the
1399 additional lot; and
- 1400 d. the overall density of the tract owned on March 17, 1982 is 1.1
1401 units per acre or lower.

1402 **7. Exempted Lots and Parcels in the Rural Zone**

1403 A lot or parcel in the Rural zone, in addition to other exemptions in
1404 this subsection, is exempt from the area and dimension requirements
1405 of the Rural zone, but must satisfy the requirements of the zone
1406 applicable to it before its classification to the Rural zone if:

- 1407 a. the property owner can establish that the owner had legal title
1408 on or before June 4, 1974;

- 1409 b. the child of the property owner, or the spouse of a child, or the
- 1410 parents of the property owner will reside in the house on the
- 1411 additional lot; and
- 1412 c. the overall density of the property does not exceed one dwelling
- 1413 unit per 5 acres in any subdivision.

8. Exempted Lots and Parcels in the Rural Cluster Zone

1414
1415 A lot or a parcel in the Rural Cluster (RC) zone, in addition to other
1416 exemptions in this subsection, is exempt from the minimum area
1417 requirements and dimension requirements of the Rural Cluster zone,
1418 but must satisfy the requirements of the zone applicable to it before its
1419 classification to the RC zone if:

- 1420 a. the property owner held title to the property before June 4,
- 1421 1974;
- 1422 b. a reduced lot size is required for a lot created for a detached
- 1423 house; and
- 1424 c. the child of the property owner, or the spouse of a child, or the
- 1425 parents of the property owner will reside in the house on the
- 1426 additional lot.

1427 * * *

Section 59-7.7.2. Nonconforming Use

1429 A lawful nonconforming use may be continued, under the following limits:

A. Expansion

1431 A lawful nonconforming use of a structure or lot must not be expanded [in
1432 any way].

B. Abandonment of Use

1434 [If a nonconforming use is abandoned, it must not be reestablished unless it
1435 is a historic resource and satisfies Section 7.7.2.C. A] Except for a
1436 Registered Living Unit allowed under the code in effect on October 29,
1437 2014, which may be abandoned, removed, or terminated under the code in
1438 effect on October 29, 2014, a nonconforming use is abandoned if the
1439 nonconforming use ceases for at least 6 consecutive months. If a
1440 nonconforming use is abandoned, it must not be reestablished unless it is a
1441 historic resource and satisfies Section 7.7.2.C.

1442 * * *

1443 **Sec. 24. DIVISION 59-8.1 is amended as follows:**

1444 **Division 59-8.1. In General**

1445 * * *

1446 **Section 59-8.1.2. Modification of Zones**

1447 **A. Amending a Development Plan**

1448 An amendment to an approved development plan or schematic development
1449 plan in any zone in Article 59-8 must follow:

- 1450 1. the procedures for [amending a floating zone plan under Section
- 1451 7.2.1.1] amendment of a development plan under the zoning ordinance
- 1452 in effect on October 29, 2014;
- 1453 2. the parking, queuing, and loading standards in Division 6.2; and
- 1454 3. the signage standards in Division 6.7.

1455 * * *

1456 **Sec. 25. DIVISION 59-8.3 is amended as follows:**

1457 **Division 59-8.3. Planned Unit Development Zones**

1458 * * *

1459 **Section 59-8.3.6. Planned Cultural Center Zone**

1460 * * *

1461 **C. Development Standards**

1462 * * *

1463 **2. Coverage and Public Open Space**

1464 a. The maximum building coverage is 30%. The building
1465 coverage may be increased to a maximum of 40% if such
1466 additional building coverage is developed and used for above-
1467 ground, structured parking.

1468 b. A minimum of 30% of the total site area included in the
1469 development plan must be maintained as public open space;
1470 however, the District Council may reduce this requirement if it
1471 finds that comparable amenities or facilities provided in lieu of
1472 open space are sufficient to accomplish the purposes of the zone
1473 and would be more beneficial to the proposed development than
1474 strict adherence to the specific public open space requirements.

1475 * * *

1476 **Sec. 26. Effective date.** This ordinance becomes effective October 30,
1477 2014.

1478

1479 This is a correct copy of Council action.

1480

1481 _____

1482 Linda M. Lauer, Clerk of the Council