

Ordinance No.: 18-08
Zoning Text Amendment No.: 15-09
Concerning: Zoning Rewrite –
Revisions, Clarifications,
and Corrections
Draft No. & Date: 5 – 11/17/15
Introduced: May 21, 2015
Public Hearing: July 14, 2015
Adopted: December 1, 2015
Effective: December 21, 2015

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

Lead Sponsor: Council President Leventhal at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the definition of right-of-way;
- amend the definition of building height in regards to corner lots;
- amend the standard method development standards in the LSC and EOF zone to allow for greater flexibility, through site plan, of the Build-to Area, Transparency, Building Orientation, and Parking Setbacks for Surface Parking Lots requirements;
- amend the process for a site plan amendment
- amend the noticing standards for sketch plan, site plan, and major site plan amendments;
- amend the grandfathering language regarding expansions above the grandfathered amount
- clarify language and correct errors;
- and generally amend the Zoning Ordinance

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

DIVISION 1.4.	“DEFINED TERMS”
Section 1.4.2.	“Specific Terms and Phrases Defined”
DIVISION 3.1.	“USE TABLE”
Section 3.1.5.	“Transferable Development Rights”
<u>Section 3.1.6.</u>	<u>“Land Use Table”</u>
DIVISION 3.3.	“RESIDENTIAL USES”
Section 3.3.1.	“Household Living”
Section 3.3.2.	“Group Living”
Section 3.3.3.	“Accessory Residential Uses”

<u>DIVISION 3.4.</u>	<u>“CIVIC AND INSTITUTIONAL USES”</u>
<u>Section 3.4.5.</u>	<u>“Educational Institution (Private)”</u>
DIVISION 3.5.	“COMMERCIAL USES”
Section 3.5.1.	“Animal Services”
Section 3.5.2.	“Communication Facility”
Section 3.5.4.	“Funeral and Interment Services”
<u>Section 3.5.11.</u>	<u>“Retail Sales and Service”</u>
Section 3.5.14.	“Accessory Commercial Uses”
DIVISION 3.6.	“INDUSTRIAL USES”
Section 3.6.5.	“Mining, Excavation”
DIVISION 4.1.	“RULES FOR ALL ZONES”
Section 4.1.2.	“Compliance Required”
Section 4.1.7.	“Measurement and Exceptions”
Section 4.1.8.	“Compatibility Requirements”
DIVISION 4.3.	“RURAL RESIDENTIAL ZONES”
Section 4.3.2.	“Optional Method Development”
Section 4.3.4.	“Rural Cluster Zone (RC)”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
DIVISION 4.4.	“RESIDENTIAL ZONES”
Section 4.4.1.	“Standard Method Development”
Section 4.4.2.	“Optional Method Development”
<u>Section 4.4.4.</u>	<u>“Residential Estate – 2 Zone (RE-2)”</u>
Section 4.4.5.	“Residential Estate – 2C Zone (RE-2C)”
Section 4.4.6.	“Residential Estate – 1 Zone (RE-1)”
Section 4.4.7.	“Residential – 200 Zone (R-200)”
Section 4.4.8.	“Residential – 90 Zone (R-90)”
Section 4.4.9.	“Residential – 60 Zone (R-60)”
Section 4.4.10.	“Residential – 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density – 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density – 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density – 10 Zone (R-10)”
<u>DIVISION 4.5.</u>	<u>“COMMERCIAL/RESIDENTIAL ZONES”</u>
<u>Section 4.5.2.</u>	<u>“Density and Height Allocation”</u>
<u>Section 4.5.3.</u>	<u>“Standard Method Development”</u>
DIVISION 4.6.	“EMPLOYMENT ZONES”
Section 4.6.3.	“Standard Method Development”
Section 4.6.4.	“Optional Method Development”
DIVISION 4.7.	“OPTIONAL METHOD PUBLIC BENEFITS”
Section 4.7.1.	“General Provisions”
Section 4.7.3.	“Public Benefit Description and Criteria”
DIVISION 4.8.	“INDUSTRIAL ZONES”
Section 4.8.3.	“Standard Method Development”
DIVISION 4.9.	“OVERLAY ZONES”

Section 4.9.8.	“Garrett Park (GP) Overlay Zone”
Section 4.9.14.	“Takoma Park/East Silver Spring Commercial Revitalization (TPSS) Overlay Zone”
Section 4.9.15.	“Transferable Development Rights (TDR) Overlay Zone”
Section 4.9.18.	“Upper Rock Creek (URC) Overlay Zone”
DIVISION 5.1.	“IN GENERAL”
Section 5.1.2.	“Intent Statement”
<u>DIVISION 5.2.</u>	<u>“RESIDENTIAL FLOATING ZONES”</u>
<u>Section 5.2.5.</u>	<u>“Development Standards”</u>
DIVISION 5.3.	“COMMERCIAL/RESIDENTIAL FLOATING ZONES”
Section 5.3.1.	“Zones”
DIVISION 5.4.	“EMPLOYMENT FLOATING ZONES”
Section 5.4.1.	“Zones”
<u>Section 5.4.5.</u>	<u>“Development Standards”</u>
DIVISION 5.5.	“INDUSTRIAL FLOATING ZONES”
Section 5.5.1.	“Zones”
<u>Section 5.5.5.</u>	<u>“Development Standards”</u>
DIVISION 6.2.	“PARKING, QUEUING, AND LOADING”
Section 6.2.2.	“Applicability”
Section 6.2.3.	“Calculation of Required Parking”
Section 6.2.4.	“Parking Requirements”
Section 6.2.5.	“Vehicle Parking Design Standards”
Section 6.2.10.	“Parking Waiver”
<u>DIVISION 6.3.</u>	<u>“OPEN SPACE AND RECREATION”</u>
<u>Section 6.3.5.</u>	<u>“Common Open Space”</u>
DIVISION 6.4.	“GENERAL LANDSCAPING AND OUTDOOR LIGHTING”
Section 6.4.3.	“General Landscaping Requirements”
<u>Division 6.7.</u>	<u>“SIGNS”</u>
<u>Section 6.7.4.</u>	<u>“Prohibited Signs”</u>
DIVISION 6.8.	“ALTERNATIVE COMPLIANCE”
Section 6.8.1.	“Alternative Method of Compliance”
DIVISION 7.2.	“DISTRICT COUNCIL APPROVALS”
Section 7.2.1.	“Local Map Amendment”
DIVISION 7.3.	“REGULATORY APPROVALS”
Section 7.3.1.	“Conditional Use”
Section 7.3.2.	“Variance”
Section 7.3.3.	“Sketch Plan”
Section 7.3.4.	“Site Plan”
DIVISION 7.4.	“ADMINISTRATIVE APPROVALS”
Section 7.4.1.	“Building Permit”
DIVISION 7.5.	“NOTICE STANDARDS”
Section 7.5.1.	“Notice Required”
Section 7.5.2.	“Notice Specifications”
DIVISION 7.6.	“SPECIAL PROVISIONS”
Section 7.6.1.	“Board of Appeals”
DIVISION 7.7.	“EXEMPTIONS AND NONCONFORMITIES”

Section 7.7.1.	“Exemptions”
DIVISION 8.1.	“IN GENERAL”
Section 8.1.1.	“Applicability”
DIVISION 8.2.	“RESIDENTIAL FLOATING ZONES”
Section 8.2.4.	“RT Zone General Requirements and Development Standards”
Section 8.2.5.	“R-H Zone General Requirements and Development Standards”
DIVISION 8.3.	“PLANNED UNIT DEVELOPMENT ZONES”
Section 8.3.2.	“PD Zone”
Section 8.3.5.	“Planned Retirement Community Zone”
Section 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.*

OPINION

Zoning Text Amendment No. 15-09 was introduced at the request of the Planning Board on May 21, 2015 to make comprehensive revisions, clarifications, and corrections to the zoning code. As introduced, it included the following substantive issues:

- Revisions to the definition of right-of-way and building height.
- Limiting the application of the general conditional use standards for an accessory apartment.
- Modifying the *Build-to Area, Transparency, Building Orientation, and Parking Setbacks for Surface Parking Lots* requirements under the standard method of development in the EOF and LSC zones, for consistency with ZTA 15-05.
- Modifying the process for amending a site plan.
- Amending of the noticing standards for projects approved by the Planning Board (sketch plan, site plan, and major site plan amendments).
- Clarifying the provision for expansions above the amount “grandfathered” under a prior zone (typically the lesser of 10% or 30,000 square feet).

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with revisions. The additional revisions include:

- Increasing the allowance for retail in the R-10 zone.

- Limiting the excluded coverage area for bay windows.
- Clarifying that the applicant may choose the front street on a corner lot.
- Noting that the coverage may be limited by a prior condition of approval.
- Noting when frontage on a street or open space is required.
- Noting that the specifications in zoning tables apply to site coverage and not open space.
- Applying the Council-approved placement and form specification changes in ZTA 15-05 to other zones.
- Noting that open space is calculated on the area of the site.
- Correcting the parking requirements for Life Sciences Research and Development.
- Noting DOT's authority to regulate and remove signs in a right-of-way.
- Clarifying the notice requirement to associations registered with the Planning Department.
- Classifying an amendment to a Telecommunications Tower conditional use approval as a minor amendment.
- Establishing hearing notices from the date of the hearing.
- Noting that an applicant has the option of review under the grandfathering provision or the current zoning.
- Adding grandfathering provisions to determine when a grandfathered lot or parcel could have been created.
- Noting that the grandfathering provisions do not apply to zones retained from the old code.

The Council conducted a public hearing on July 14, 2014. Five issue areas were the subject of public testimony:

1. Accessory apartment procedures.
2. Increasing retail square footage in the R-10 zone.
3. Determining building height on corner lots.
4. Parking placement in nonresidential zones.
5. Including grandfathered projects in the scope of future ZTAs.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

On September 21, November 9, and November 16, 2015, the Committee recommended approval of ZTA 15-09 with the amendments. The recommendations of the Committee are documented in the staff memorandum to Council concerning ZTA 15-09 for Council's consideration on December 1, 2015.

The District Council reviewed Zoning Text Amendment No. 15-09 at a worksession held on December 1, 2015. The Council agreed with the Committee recommendations.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 15-09 will be approved as amended.

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:

1 **Sec. 1. DIVISION 1.4. is amended as follows:**

2 **Division 1.4. Defined Terms**

3 * * *

4 **Section 1.4.2. Specific Terms and Phrases Defined**

5 * * *

6 **Bay Window:** A window, primarily made of glass, that projects from the wall of a
7 building and forms an alcove of a room. It may have its foundation in the
8 ground[[,]] or be supported on corbels or otherwise. An oriel window is a type of
9 bay window that is cantilevered (does not have its foundation in the ground).

10 * * *

11 **Build-to[-] Area (BTA):** See Section [4.1.7.B.3] 4.1.7.B.2

12 * * *

13 **Entrance Spacing:** See Section 4.1.7.D.3

14 * * *

15 **Home Occupation and Home Health Practitioner, Eligible Area:** The total
16 number of square feet of floor area, measured horizontally between interior faces
17 of walls, in any building on a lot, including the area of a basement and any
18 accessory building on the same lot but excluding the area of any cellar, uncovered
19 steps, and uncovered porches. Eligible area does not include any addition to any
20 building or any accessory building that was constructed within 18 months after
21 DPS approved a Home Occupation or a Home Health Practitioner on the lot.

22 * * *

23 **Lot Line, Front:** A lot line abutting a [[front]] right-of-way or common open
24 space. On a corner lot, the owner must elect which lot line is the front lot line.

25 **Lot Line, Side:** A lot line adjoining or generally perpendicular to the front lot line
26 [[that abuts]] and abutting another lot line or common open space.

27 **Lot Line, Side Street:** A lot line abutting a [[side street]] right-of-way that is not
28 the front lot line.

29 * * *

30 **Reduced Parking Area:** A designated area defined by a property’s zoning and
31 location, including any property not in a Parking Lot District, and

- 32 1. in a CR, CRT, LSC, EOF, or equivalent Floating zone, or
- 33 2. in a CRN, NR, GR, or equivalent Floating zone that is within 1 mile
- 34 of a transit station or stop, as defined by Transit proximity.

35 * * *

36 **Right-of-Way:** Land [dedicated to] [[reserved]] for the passage of people,
37 vehicles, or utilities as shown on a record plat [[as separate and distinct from the
38 abutting lots or parcels, or as shown in an easement]].

39 * * *

40 **Site Element:** A feature, including trash receptacle; outdoor furniture; full cutoff
41 light fixture; bike rack/locker; recreation equipment; plant container; deck, patio,
42 [or] sidewalk, or paved surface up to 625 square feet; water feature; compost bin;
43 and trash/recycling enclosure.

44 * * *

45 **Sec. 2. DIVISION 3.1. is amended as follows:**

46 **Division 3.1. Use Table**

47 * * *

48 **Section 3.1.5. Transferable Development Rights**

49 A. The following uses are prohibited if the lot or parcel on which the use is
50 located is in the AR zone and is encumbered by a recorded Transfer of
51 Development Rights easement:

52 * * *

- 53 **3. Civic and Institutional**
- 54 [a. Ambulance, Rescue Squad (Private)]
- 55 [b] a. Charitable, Philanthropic Institution
- 56 [c] b. Group Day Care (9 – 12 Persons)
- 57 [d] c. Day Care Center (13 – 30 Persons)
- 58 [e] d. Day Care Center (Over 30 Persons)
- 59 [f] e. Private Club, Service Organization
- 60 [g] f. Religious Assembly

61 * * *

62 **Section 3.1.6. Use Table**

SE OR USE GROUP	Definitions and Standards	Residential												
		Residential Detached							Residential Townhouse			Residential Multi-Unit		
		RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
* * *														
Retail Sales and Service	<u>3.5.11</u>													
Combination Retail	<u>3.5.11.A</u>	* * *												* * *
Retail/Service Establishment (Up to 5,000 SF)	<u>3.5.11.B</u>												L	
Retail/Service Establishment (5,001 - 15,000 SF)	<u>3.5.11.B</u>												<u>L</u>	
* * *														

63 * * *

64 **Sec. 3. DIVISION 3.3. is amended as follows:**

65 **Division 3.3. Residential Uses**

66 **Section 3.3.1. Household Living**

67 * * *

68 **D. Townhouse Living**

69 * * *

70 **2. Use Standards**

71 * * *

72 b. Where Townhouse Living is allowed as a conditional use, it
73 may be permitted by the Hearing Examiner under Section 7.3.1,
74 Conditional Use, and the following standards:

75 * * *

76 vi. The minimum tract size is 2 acres.

77 * * *

78 viii. Reducing the number of required parking spaces through
79 [alternative compliance under Division 6.8] a parking
80 waiver under Section 6.2.10 is prohibited.

81 * * *

82 **Section 3.3.2. Group Living**

83 **A. Defined, In General**

84 Group Living means the residential occupancy of a structure by a group of
85 people that does not meet the definition of any Household Living use under
86 Section 3.3.1[[, where tenancy is arranged on a monthly or longer basis]].

87 * * *

88 **C. Independent Living Facility for Seniors or Persons with Disabilities**

89 * * *

90 **2. Use Standards**

91 * * *

92 b. Where an Independent Living Facility for Seniors or Persons
93 with Disabilities is allowed as a conditional use, it may be
94 permitted by the Hearing Examiner under all limited use
95 standards, Section 7.3.1, Conditional Use, and the following
96 standards:

97 * * *

98 iv. [Height, density, coverage, and parking standards must
 99 be compatible with surrounding uses and the Hearing
 100 Examiner may modify any standards to maximize the
 101 compatibility of buildings with the residential character
 102 of the surrounding neighborhood.] The maximum
 103 building height of an Independent Living Facility for
 104 Seniors or Persons with Disabilities is 60 feet and the
 105 maximum density is determined by the Hearing
 106 Examiner under the development standards of Section
 107 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix, [[in spite
 108 of]] without regard to any other limitation in this
 109 Chapter.

110 v. [The maximum building height of an Independent Living
 111 Facility for Seniors or Persons with Disabilities is 60 feet
 112 in spite of any other limitation in this Chapter.] Height,
 113 density, coverage, and parking [[standards]] must be
 114 compatible with surrounding uses and the Hearing
 115 Examiner may modify [[any standards]] height, density,
 116 coverage, and parking to maximize the compatibility of
 117 buildings with the residential character of the
 118 surrounding neighborhood.

119 * * *

120 **Section 3.3.3. Accessory Residential Uses**

121 **A. Accessory Apartment, In General**

122 * * *

123 **2. Use Standards for all Accessory Apartments**

124 * * *

125 c. Where an Accessory Apartment conditional use application is
 126 filed under Section 3.3.3.A.2.b, [[the Accessory Apartment may
 127 be permitted by the Hearing Examiner under the limited use
 128 standards in Section 3.3.3.A.2.a, Section 3.3.3.B.2, or Section
 129 3.3.3.C.2.a, under Section 7.3.1, Conditional Use (excluding
 130 Section 7.3.1.E), and the following standards:]] the Hearing
 131 Examiner may approve a conditional use for the Accessory
 132 Apartment under Section 7.3.1, except that the findings under
 133 Section 7.3.1.E are not applicable to this type of conditional
 134 use. The limited use standards of Section 3.3.3.A.2.a and
 135 Section 3.3.3.A.2.c apply to all accessory apartment conditional
 136 use applications. In addition, the limited use standards of
 137 Section 3.3.3.B.2 apply to Attached Accessory Apartment
 138 applications, and the limited use standards of Section
 139 3.3.3.C.2.a apply to Detached Accessory Apartment
 140 applications.

141 * * *

142 **B. Attached Accessory Apartment**

143 * * *

144 **2. Use Standards**

145 Where an Attached Accessory Apartment is allowed as a limited use,
 146 it must satisfy the use standards for all Accessory Apartments under
 147 Section 3.3.3.A.2 and the following standards:

148 a. A separate entrance is located:

149 * * *

150 iii. at the front of the principal dwelling, if it is a single
151 entrance door for use of the principal dwelling and the
152 Attached Accessory Apartment[;].

153 * * *

154 c. In the RE-2, RE-2C, RE-1, and R-200 zones, the Attached
155 Accessory Apartment is located at least 500 feet from any other
156 Attached or Detached Accessory Apartment, measured in a line
157 from side lot line to side lot line along the same block face[;].

158 d. In the RNC, R-90, and R-60 zones, the Attached Accessory
159 Apartment is located at least 300 feet from any other Attached
160 or Detached Accessory Apartment, measured in a line from side
161 lot line to side lot line along the same block face[;].

162 **C. Detached Accessory Apartment**

163 * * *

164 **2. Use Standards**

165 a. Where a Detached Accessory Apartment is allowed as a limited
166 use, it must satisfy the use standards for all Accessory
167 Apartments under Section 3.3.3.A.2 and the following
168 standards:

169 * * *

170 [[iv. The detached house associated with the Detached
171 Accessory Apartment must be at least 5 years old on the
172 date of application for a license or a conditional use.]]

173 b. Where a Detached Accessory Apartment is allowed only as a
174 conditional use, it may be permitted by the Hearing Examiner
175 under all limited use standards and Section 7.3.1, Conditional
176 Use.

177 * * *

178 **Sec. 4. DIVISION 3.4. is amended as follows:**

179 **Division 3.4. Civic and Institutional Uses**

180 * * *

181 **Section 3.4.5. Educational Institution (Private)**

182 * * *

183 **B. Exemptions**

184 A conditional use is not required for:

- 185 1. ~~[[The conditional use standards in Section 3.4.5.C.2 do not apply for]]~~
186 any private educational institution or parochial school that is located
187 in a building or on premises owned or leased by any church or
188 religious organization~~[[,]]~~; the government of the United States~~[[,]]~~;
189 the State of Maryland or any State agency~~[[,]]~~; Montgomery County;
190 or any incorporated village or town within Montgomery County. This
191 exemption does not apply to any Educational Institution (Private) that
192 received conditional use approval by the Hearing Examiner to operate
193 in a building or on a property that was not owned or leased by any
194 church or religious organization at the time the decision of the
195 Hearing Examiner was issued.
- 196 2. ~~[[A conditional use is not required for]]~~ any Educational Institution
197 (Private) that is located in a building or on land that has been used for
198 a public school or that is owned or leased by the County; however,
199 site plan approval is required under Section 7.3.4~~[[,]]~~ for:
- 200 a. construction of an Educational Institution (Private) on vacant
201 land owned or leased by the County; or
- 202 b. any cumulative increase that is greater than 15% or 7,500
203 square feet, whichever is less, in the gross floor area, as it

204 existed on February 1, 2000, of an Educational Institution
205 (Private) located in a building that has been used for a public
206 school or that is owned or leased by Montgomery County. Site
207 plan approval is not required for:

208 ~~[(i)]~~ i. an increase in floor area of an Educational
209 Institution (Private) located in a building that has been
210 used for a public school or that is owned or leased by
211 Montgomery County if a request for review under
212 mandatory referral was submitted to the Planning Board
213 on or before February 1, 2000, or

214 ~~[(ii)]~~ ii. any portable classroom used by a private
215 educational institution that is located on property owned
216 or leased by Montgomery County and that is in place for
217 less than one year.

218 * * *

219 **Sec. 5. DIVISION 3.5. is amended as follows:**

220 **Division 3.5. Commercial Uses**

221

222 * * *

223 **Section 3.5.1. Animal Services**

224 * * *

225 **B. Animal Boarding and Care**

226 * * *

227 **2. Use Standards**

228 * * *

229 b. Where Animal Boarding and Care is allowed as a conditional
230 use, it may be permitted by the Hearing Examiner under
231 Section 7.3.1, Conditional Use, and the following standards:

232 i. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200
233 zones:

234 * * *

235 [(m) In the AR zone, this use may be prohibited under
236 Section 3.1.5, Transferable Development Rights.]

237 * * *

238 **Section 3.5.2. Communication Facility**

239 * * *

240 **C. Telecommunications Tower**

241 * * *

242 **2. Use Standards**

243 * * *

244 b. Where a Telecommunications Tower is allowed as a conditional
245 use, it may be permitted by the Hearing Examiner under all
246 applicable limited use standards, Section 7.3.1, Conditional
247 Use, and the following standards:

248 * * *

249 ii. A Telecommunications Tower must be set back from the
250 property line, as measured from the base of the support
251 structure, as follows:

252 (a) A Telecommunications [Towers] Tower is
253 prohibited in any scenic setback indicated in a
254 master plan.

255 (b) In the Agricultural, Rural Residential, and
256 Residential Detached zones, a distance of one foot
257 for every foot of height or 300 feet from an
258 existing dwelling, whichever [is greater] provides
259 the greater setback.

260 (c) In the Employment [and Industrial] zones, a
261 distance of one-half foot for every foot of height
262 when abutting Commercial/Residential,
263 Employment, or Industrial zoned properties, and
264 one foot for every foot of height when abutting
265 Agricultural, Rural Residential, or Residential
266 zoned properties.

267 * * *

268 **Section 3.5.4. Funeral and Interment Services**

269 **A. Cemetery**

270 * * *

271 **2. Use Standards**

272 Where a Cemetery is allowed as a conditional use, it may be permitted
273 by the Hearing Examiner under Section 7.3.1, Conditional Use, and
274 the following standards:

275 * * *

276 d. In the AR, R, and RC zones, a family burial site is allowed only
277 as an accessory use on a residentially developed property and
278 may only be approved on a lot or parcel that is appropriate to
279 the circumstances and is a minimum of 25 acres in size. A
280 family burial site must be set back a minimum of 100 feet from

281 any abutting property in a Residential zone and a minimum of
282 50 feet from any existing or master-planned street. The use of
283 any property for a family burial site must be recorded in the
284 [lands] land records of Montgomery County. A family burial
285 site is not restricted by Section 3.1.5, Transferable
286 Development Rights.

287 e. In the AR zone, a cemetery may be prohibited under Section
288 3.1.5, Transferable Development Rights.

289 * * *

290 **Section 3.5.11. Retail Sales and Service**

291 * * *

292 **B. Retail/Service Establishment**

293 * * *

294 **2. Use Standards**

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

297 i. In the R-10 zone:

298 (a) The apartment building type must contain a
299 minimum of 150 dwelling units, be a minimum of
300 60 feet in height, and be on a site with a minimum
301 of 5 acres.

302 (b) A maximum of 10% of the gross floor area of the
303 building or ~~[[5,000]]~~ 10,000 square feet, whichever
304 is less, may be used for the Retail/Service
305 Establishment use.

306 * * *

307

308 **Section 3.5.14. Accessory Commercial Uses**

309 * * *

310 **C. Antenna on Existing Structure**

311 * * *

312 **2. Use Standards**

313 * * *

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

319 * * *

320 **G. Lawn Maintenance Service**

321 * * *

322 **2. Use Standards**

323 * * *

324 d. In the AR zone, this use may be prohibited under Section 3.1.5,
325 Transferable Development Rights.

326 * * *

327 **Sec. 6. DIVISION 3.6. is amended as follows:**

328 **Division 3.6. Industrial Uses**

329 * * *

330 **Section 3.6.5. Mining, Excavation**

331 **A. Defined**

332 Mining, Excavation means ~~[[any]]~~ a use that extracts rocks, minerals, and
333 other natural resources from the ground. Mining, Excavation only includes
334 borrow pit, rock extraction, and gravel mining.

335 * * *

336 **Sec. 7. DIVISION 4.1. is amended as follows:**

337 **Division 4.1. Rules for All Zones**

338 * * *

339 **Section 4.1.2. Compliance Required**

340 * * *

341 B. Every new building must be located on a lot, except as allowed under
342 Section 7.7.1.D.2 ~~or [[as]]~~ unless exempt from the platting requirements
343 under Chapter 50.

344 * * *

345 **Section 4.1.7. Measurement and Exceptions**

346 The rules in Section 4.1.7 apply to all zones unless stated otherwise.

347 * * *

348 **B. Placement**

349 **1. Structure Setbacks**

350 * * *

351 **b. Measurement of Setbacks**

352 There are front, side street, side, and rear setbacks. Through lots
353 have 2 front setbacks. A lot abutting an alley is not a through
354 lot.

355 * * *

356 [v. Where a setback is expressed as 2 numbers separated by
357 "or" (such as 4' or 20'), a property owner may build either
358 to the lesser setback, or no closer to the lot line than the

359 greater setback. A setback between the 2 numbers is
360 prohibited.]

361 **2. Build-to Area**

362 **Defined**

- 363 a. The build-to area is the area on the lot from ~~[[the edge of]]~~ the
- 364 lot line or right-of-way to the maximum setback where a certain
- 365 percentage of the front or side street building façade must be
- 366 located[, measured as a range from the edge of the lot line].
- 367 b. A ~~[[surface parking lot and a]]~~ drive aisle ~~[[are]]~~ is prohibited in
- 368 the build-to area. All other structures and uses customarily
- 369 allowed on the lot are allowed in the build-to area, [except a
- 370 surface parking lot] including an access driveway perpendicular
- 371 to the right-of-way.

372 **3. Parking Setbacks**

373 * * *

374 **b. Measurement of Parking Setbacks**

375 There are front, side street, side, and rear parking setbacks.
376 Through lots have 2 front parking setbacks. A lot abutting an
377 alley is not a through lot.

- 378 i. The front and side street parking setback is measured
- 379 from the edge of the lot line or right-of-way to a surface
- 380 parking lot.

381 * * *

382 **4. Coverage**

383 **a. Defined**

384 * * *

385 ii. Coverage does not include paved areas such as a
386 driveway, a pedestrian walkway, a bay window
387 measuring 10 feet in width or less and 3 feet in depth or
388 less, an uncovered porch or patio, deck, a swimming
389 pool, or roof overhang.

390 **5. Setback Encroachments**

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

393 **a. Building Features**

394 i. Any unenclosed porch, deck, terrace, steps, or stoop may
395 project a maximum of 3 feet into any side setback, or any
396 side street setback of less than 25 feet [or side setback]
397 and may project a maximum of 9 feet into any front
398 setback, [or] rear setback, or any side street setback
399 where the side street setback is a minimum of 25 feet.

400 This encroachment includes an unenclosed roofed porch
401 or terrace.

402 ii. Any roofed and unenclosed steps or stoop may project a
403 maximum of 3 feet into any side setback, or any side
404 street setback of less than 25 feet [or side setback] and
405 may project a maximum of 9 feet into any front setback,
406 [or] rear setback, or any side street setback where the side
407 street setback is a minimum of 25 feet. Any roof covering
408 unenclosed steps or a stoop may project a maximum of 3
409 feet into any setback.

410 * * *

411 viii. Any bay window, oriel, entrance, vestibule, or balcony,
412 10 feet in width or less, may project a maximum of 3 feet
413 into any setback. The total [[area]] length of all bay
414 windows and oriels on a building façade is a maximum
415 of 50% of the linear footage of the façade.

416 * * *

417 **c. Solar Panels**

418 A solar panel may project a maximum of 3 feet into any side
419 setback, or any side street setback of less than 25 feet [or side
420 setback] and may project a maximum of 9 feet into any front
421 setback, [or] rear setback, or any side street setback where the
422 side street setback is a minimum of 25 feet.

423 * * *

424 **C. Height**

425 **1. Building Height in Agricultural, Rural Residential, and**
426 **Residential Zones**

427 a. Building height is measured from the average grade either
428 the mean height level between the eaves and ridge of a gable,
429 hip, mansard, or gambrel roof or to the highest point of roof
430 surface, [of a flat roof] regardless of roof type.

431 * * *

432 **2. Building Height in Commercial/Residential, Employment, and**
433 **Industrial Zones**

434 a. [[Building]] For a building located within 35 feet of a street
435 right-of-way, building height is [[always]] measured from the
436 level of approved curb grade opposite the middle of the front of
437 a building to the highest point of roof surface of a flat roof or to

438 the mean height level between eaves and ridge of a pitched
 439 roof. If a building is located on a terrace, the height may be
 440 increased by the height of the terrace. [On a corner lot
 441 exceeding 20,000 square feet, the height of the building may be
 442 measured from either adjoining curb grade.] For a corner lot or
 443 a lot extending through from street to street, the height [may]
 444 [[must be]] is measured from [either] the curb grade opposite
 445 the middle of the [[front of a]] building façade along either
 446 right-of-way; however, under Section 7.3.4, Site Plan, the
 447 Planning Board may approve an alternative point of
 448 measurement as part of site plan approval. The alternative
 449 measurement point must be taken from the approved curb grade
 450 along either right-of-way. In approving an alternative point of
 451 measurement, the Planning Board must consider compatibility
 452 and building height variation on the site.

453 * * *

454 **D. Form**

455 * * *

456 **3. Entrance Spacing**

- 457 a. Entrance spacing is the maximum distance between entrances.
 458 One entrance must be provided for a specified length of
 459 building façade fronting a street or open space, as indicated in
 460 Division 4.5 and Division 4.6.
- 461 b. An angled entrance may be provided at either corner of a
 462 building along the street to meet the street-facing entrance
 463 requirements.

464 **Section 4.1.8. Compatibility Requirements**

465 * * *

466 **B. Height Compatibility**

467 **1. Applicability**

468 Section 4.1.8.B applies to a property that:

- 469 a. abuts or confronts a property in an Agricultural, Rural
470 Residential, Residential Detached, or Residential Townhouse
471 zone that is vacant or improved with an agricultural or
472 residential use; and
- 473 b. proposes any building type in a Commercial/Residential,
474 Employment, Industrial, or Floating zone.

475 * * *

476 **Sec. 8. DIVISION 4.3. is amended as follows:**

477 **Division 4.3. Rural Residential Zones**

478 * * *

479 **Section 4.3.2. Optional Method Development**

480 * * *

481 **B. Optional Method Cluster Development**

482 The cluster method of development provides an optional method of
483 development that encourages the provision of community open space for
484 active or passive recreation as well as the preservation and enhancement of
485 natural resources. Optional method Cluster Development allows flexibility
486 in lot layout and for variety in the types of residential buildings. The density
487 of dwelling units per acre [and open space requirements are] is not changed.
488 The character of the existing neighborhood is protected and open space for
489 common use is provided. To accomplish these objectives, certain changes in

490 lot areas and dimensions and a greater variety of building types are allowed.
 491 An applicant's use of this method of development, and site plan approval for
 492 portions of such development, are subject to approval by the Planning
 493 Board.

494 * * *

495 **Section 4.3.4. Rural Cluster Zone (RC)**

496 * * *

497 **B. RC Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
* * *	
Coverage (max)	
Lot	10%
Specifications for Coverage	
* * *	
b. The total impervious surface area of any proposed preliminary plan must not exceed any impervious surface area limits recommended by the master plan. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area, <u>unless otherwise limited by a condition of approval.</u>	
* * *	

498 * * *

499 **D. RC Zone, Optional Method Development Standards**

	Cluster Development
	Detached House
* * *	
2. Lot	

		Cluster Development
		Detached House
* * *		
Specification for Coverage		
<p>a. The total impervious surface area of [a] <u>any</u> proposed preliminary plan must [satisfy] <u>not exceed</u> any impervious surface area [limit] <u>limits</u> recommended by the master plan. [A project which has had a preliminary plan approved before December 24, 2012 may be built or altered without a limit on impervious surface area.] A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area, <u>unless otherwise limited by a condition of approval</u>.</p>		
3. Placement		
Principal Building Setbacks (min)		
* * *		
Rear setback, alley	4' [or 20']	
* * *		

500 **Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)**

501 * * *

502 **C. RNC Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
1. Site				
* * *				
[Specifications] Specification for Site Coverage				
<p>a. In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house <u>and duplex</u> lots.</p>				
2. Lot and Density				
Lot (min)				

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
Lot area	25,000 SF	12,500 SF	25,000 SF	[1,400] <u>1,100</u> SF
* * *				
3. Placement				
Principal Building Setbacks (min)				
* * *				
Front setback, private street or open space	40'	40'	40'	4' [or 20']
* * *				
[Specification] Specifications for Principal Building and Accessory Structure Setbacks				
* * *				

503 **D. RNC Zone, Optional Method Requirements**

504 * * *

505 4. The RNC zone also allows for an optional method of development
 506 without the provision of MPDUs above those required by Chapter
 507 25A, if recommended in the applicable master plan. The maximum
 508 density for this type of optional method development is 1 dwelling
 509 unit per acre, unless a lesser density is recommended by the applicable
 510 master plan.

511 **E. RNC Zone, Optional Method Development Standards**

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
* * *			
Density (max)			
Density, <u>as recommended in the master plan</u> (units/acre of usable area)	1.22		
Open Space (min)			
Rural open space (% of usable area) (See Section 6.3.4)	65%		
Common open space (% of usable area) (See Section 6.3.5)	5%		
<u>Specification for Open Space</u>			
a. <u>The minimum lot size for a developed lot intended to provide any portion of the rural open space requirement is 10 acres, and a substantial majority of the lot must be encumbered by the instrument regulating the rural open space.</u>			
<u>Site Coverage (max)</u>			
Site coverage	n/a	n/a	30%
<u>Specification for Site Coverage</u>			
a. <u>In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
2. Lot			
Dimensions (min)			
Lot area	4,000 SF	3,500 SF	[1,500] <u>1,200</u> SF
* * *			
Coverage (max)			
Lot	35%	35%	[50%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

512 **Sec. 9. DIVISION 4.4. is amended as follows:**

513 **Division 4.4. Residential Zones**

514 **Section 4.4.1. Standard Method Development**

515 The RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20,
516 and R-10 zone allow development under the standard method. Site plan approval
517 may be required under Section 7.3.4.A.8.

518 * * *

519 **B. Residential Infill Compatibility**

520 * * *

521 **2. Coverage**

522 The maximum area that may be covered by any building, including any
523 accessory building and any weatherproofed floor area above a porch, but not
524 including any bay window measuring 10 feet in width or less and 3 feet in
525 depth or less, chimney, porch, or up to 240 square feet of a detached garage,
526 if the garage is less than 350 square feet of floor area and less than 20 feet in
527 height, must vary with the lot area as follows:

528 * * *

529

530 **Section 4.4.2. Optional Method Development**

531 * * *

532 **A. Optional Method MPDU Development**

533 This optional method of development is permitted where moderately priced
534 dwelling units (MPDUs) are included in a development above the minimum
535 required by Chapter 25A, to facilitate the construction of those units. Optional
536 method MPDU Development [allows an increase in density above the total number
537 of dwelling units allowed by the standard method of development;] allows

538 additional building types[;] and provides more flexibility for certain dimensional
 539 standards.

540 * * *

541 **B. Optional Method Cluster Development**

542 The cluster method of development provides an optional method of development
 543 that encourages the provision of community open space for active or passive
 544 recreation as well as the preservation and enhancement of natural resources.
 545 Optional method Cluster Development allows flexibility in lot layout and for
 546 variety in the types of residential buildings. [The density of dwelling units per acre
 547 and open space requirements are not changed.] The character of the existing
 548 neighborhood is protected, and open space for common use is provided. To
 549 accomplish these objectives, certain changes in lot areas and dimensions and a
 550 greater variety of building types are allowed. An applicant's use of this method of
 551 development, and site plan approval for portions of such development, are subject
 552 to approval by the Planning Board.

553 * * *

554 **Section 4.4.4. Residential Estate – 2 Zone (RE-2)**

555 * * *

556 **B. RE-2 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	2 acres
Lot width at front building line	150'
Lot width at front lot line	25'

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>
Specification for Lot	
* * *	

557

558 **Section 4.4.5. Residential Estate – 2C Zone (RE-2C)**

559 * * *

560 **B. RE-2C Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	2 acres
Lot width at front building line	150'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>
Specification for Lot	
* * *	

561 **C. RE-2C Zone, Optional Method Requirements**

562 * * *

563 **2. Optional Method Cluster Development**

564 Under optional method Cluster Development, lots may front on a
 565 private cul-de-sac if the Planning Board finds, as part of the cluster
 566 subdivision plan approval, that the private cul-de-sac:

- 567 a. provides safe and adequate access;
- 568 b. has sufficient width to accommodate the proposed dwelling
- 569 units;
- 570 c. will protect significant environmental features on- and off-site
- 571 better than would a public road; and
- 572 d. has proper drainage.

573 Each private cul-de-sac must satisfy Chapter 50 (Section 50-25(h))
 574 concerning private roads. [Site plan approval under Section 7.3.4 may
 575 also be required for a subdivision with lots fronting on a private cul-
 576 de-sac.]

577 **D. RE-2C Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
1. Site				
* * *				
Specification for Site under Cluster Development				
a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if: <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or iii. <u>the development abuts an existing cluster development in the same zone, and the Planning Board finds it would be a compatible extension of the neighboring development.</u> 				
Density (max)				
Density (units/acre of usable area)	0.48			0.4
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	5%			5%
Site Coverage (max)				
Site coverage	n/a	n/a	40%	n/a

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Specification for [[Open Space and]] Site Coverage				
a. <u>In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u>				
2. Lot				
Dimensions (min)				
Lot area	12,000 SF	7,500 SF	[1,500] 1,200 SF	15,000 SF
* * *				
Coverage (max)				
Lot	35%	35%	[50%] n/a	[15] 25%
3. Placement				
Principal Building Setbacks (min)				
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

578 **Section 4.4.6. Residential Estate – 1 Zone (RE-1)**

579 * * *

580 **B. RE-1 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	40,000 SF
Lot width at front building line	125'
Lot width at front lot line	25'

<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>
Specification for Lot	
* * *	

581 * * *

582 **D. RE-1 Zone, Optional Method Development Standards**

583

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
1. Site				
* * *				
Specification for Site under Cluster Development				
a. The Planning Board may allow development to proceed under [the] optional method Cluster Development on a smaller site than allowed in Usable Area if: <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or iii. the development abuts an existing cluster development in the same zone and the Planning Board finds it would be a compatible extension of the neighboring development. 				
Density (max)				
Density (units/acre of usable area)		1.22		1
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)		10%		10%
Site Coverage (max)				
Site coverage	n/a	n/a	40%	n/a
Specification for [[Open Space and]] Site Coverage				
a. In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot				
Dimensions (min)				
Lot area	9,000 SF	4,500 SF	[1,500] 1,200 SF	12,000 SF

* * *				
Coverage (max)				
Lot	35%	35%	[50%] n/a	15%
3. Placement				
Principal Building Setbacks (min)				
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

584 **Section 4.4.7. Residential – 200 Zone (R-200)**

585 * * *

586 **B. R-200 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	20,000 SF
Lot width at front building line	100'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>
Density (max)	
* * *	

587

588 **C. R-200 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
1. Site				
* * *				
Specification for Site under Cluster Development				
<p>a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if:</p> <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or iii. <u>the development abuts an existing cluster development in the same zone and the Planning Board finds it would be a compatible extension of the neighboring development.</u> 				
Density (max)				
Density (units/acre of usable area)	2.44			2
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	20%			20%
Site Coverage (max)				
Site coverage	n/a	n/a	40%	n/a
Specification for [[Open Space and]] Site Coverage				
<p>a. <u>In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u></p>				
2. Lot				
Dimensions (min)				
Lot area	6,000 SF	3,000 SF	[1,200] 1,000 SF	9,000 SF
* * *				
Coverage (max)				
Lot	35%	35%	[50%] n/a	25%
3. Placement				
Principal Building Setbacks (min)				
* * *				

Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Accessory Structure Setbacks (min)				
* * *				
[Specifications] Specification for Accessory Structure Setbacks under Cluster Development				
a. In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.				
* * *				

589 **Section 4.4.8. Residential – 90 Zone (R-90)**

590 * * *

591 **B. R-90 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	9,000 SF
Lot width at front building line	75'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>
Density (max)	
* * *	
3. Height	
Height (max)	
Principal building[[,]]	
= measured to highest point of [a flat] roof surface, regardless of roof type; or	35'

= [[Principal building,]] measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'
* * *	

592 C. R-90 Zone, Optional Method Development Standards

	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
1. Site						
* * *						
Open Space (min)						
Common open space (% of usable area) (See Section 6.3.5)	[30%] <u>15%</u>			[30%] <u>15%</u>		
Site Coverage (max)						
Site coverage	n/a	n/a	40%	n/a	n/a	40%
Specification for [[Open Space and]] Site Coverage						
a. In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.						
2. Lot						
Dimensions (min)						
Lot area	4,000 SF	2,000 SF	[1,200] <u>1,000</u> SF	5,000 SF	2,500 SF	[1,500] <u>1,200</u> SF
* * *						
Coverage (max)						
Lot	50%	50%	[60%] <u>n/a</u>	30%	30%	[75%] <u>n/a</u>
3. Placement						
Principal Building Setbacks (min)						
* * *						
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']

* * *

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

595 * * *

596 **B. R-60 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	6,000 SF
Lot width at front building line	60'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>
Density (max)	
* * *	
3. Height	
Height (max)	
Principal building[[,]]	
≡ measured to highest point of [a flat] roof <u>surface, regardless of roof type;</u> <u>or</u>	35'
≡ [[Principal building,]] measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'
* * *	

597

598 **C. R-60 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
1. Site						
* * *						
Specification for Site under Cluster Development						
<p>a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if:</p> <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or iii. the development abuts an existing cluster development in the same zone and the Planning Board finds it would be a compatible extension of the neighboring development. 						
Density (max)						
Density (units/acre of usable area)	6.1			5		
Open Space (min)						
Common open space (% of usable area) (See Section 6.3.5)	[40%] <u>20%</u>			[40%] <u>20%</u>		
Site Coverage (max)						
Site coverage	n/a	n/a	40%	n/a	n/a	40%
Specification for [[Open Space and]] Site Coverage						
<p>a. In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</p>						
2. Lot						
Dimensions (min)						
Lot area	3,000 SF	1,500 SF	[1,200] <u>1,000</u> SF	3,000 SF	1,500 SF	[1,500] <u>1,200</u> SF
* * *						
Coverage (max)						
Lot	60%	60%	[60%] <u>n/a</u>	35%	35%	[75%] <u>n/a</u>
3. Placement						
Principal Building Setbacks (min)						

* * *						
Rear setback, alley	4' [or 20']					
* * *						

599 **Section 4.4.10. Residential – 40 Zone (R-40)**

600 * * *

601 **B. R-40 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over
* * *			
2. Lot and Density			
Lot (min)			
Lot area	6,000 SF	4,000 SF	8,000 SF
Lot width at front building line	60'	40'	80'
Lot width at front lot line	25'	10'	25'
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>		
Density (max)			
* * *			
4. Height			
Height (max)			
Principal building[[,]]			
= measured to highest point of [a flat] roof	35'	35'	35'

<u>surface, regardless of roof type; or</u>			
≡ [[Principal building,]] measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	35'	35'
* * *			

603 C. R-40 Zone, Optional Method Development Standards

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
* * *			
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	[40%] 20%		
Site Coverage (max)			
Site coverage	n/a	n/a	40%
Specification for [[Open Space and]] Site Coverage			
a. In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.			
2. Lot			
Dimensions (min)			
Lot area	3,000 SF	1,500 SF	[1,200 SF] n/a
* * *			
Coverage (max)			
Lot	60%	60%	[60%] n/a
3. Placement			
Principal Building Setbacks (min)			
* * *			

Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

604 **Section 4.4.11. Townhouse Low Density Zone (TLD)**

605 * * *

606 **B. TLD Zone, Standard Method Development Standards**

607

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
1. Site				
* * *				
Open Space (min)				
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[50] <u>25%</u>
Site Coverage (max)				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
[Specifications] Specification for Open Space and Site Coverage				
a. In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot and Density				
Lot (min)				
Lot area	4,800 SF	2,400 SF	4,800 SF	[1,600] <u>1,250</u> SF
Lot width at front building line	30'	15'	30'	n/a

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
Lot width at front lot line	10'	10'	10'	n/a
<u>Frontage on street or open space</u>	<u>Required</u>			
Density (max)				
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Side street setback	15'	15'	15'	[15] 5'
* * *				
Side setback between lot and site boundary	n/a	n/a	n/a	[8] 5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Rear setback between lot and site boundary	n/a	n/a	n/a	[20] 10'
Accessory Structure Setbacks (min)				
Front setback, behind front building line	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15] 5'
* * *				

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

608 C. TLD Zone, Optional Method Development Standards

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
Dimensions (min)			
Usable area	[20,038] 20,000 SF		
Density (max)			
Density (units/acre of usable area)	9.76		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	[45] 20%		
Site Coverage (max)			
Site coverage	n/a	n/a	40%
Specification for [[Open Space and]] Site Coverage			
a. <u>In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
2. Lot			
* * *			

Coverage (max)			
Lot	60%	60%	[60%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	[6'] <u>4'</u>	[6'] <u>4'</u>	[6'] <u>4'</u>
Side street setback	10'	10'	[10] <u>5'</u>
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
Accessory Structure Setbacks (min)			
* * *			
[Coverage (max)]			
[Lot]	[60%]	[60%]	[60%]
* * *			

609 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

610 * * *

611 **B. TMD Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
1. Site				
* * *				
Open Space (min)				

Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[45] <u>20%</u>
Site Coverage (max)				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
[Specifications] <u>Specification</u> for Open Space and Site Coverage				
a. In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot and Density				
Lot (min)				
Lot area	3,600 SF	1,800 SF	3,600 SF	[1,400] <u>1,100</u> SF
Lot width at front building line	30'	15'	30'	n/a
Lot width at front lot line	10'	10'	10'	n/a
<u>Frontage on street or open space</u>	<u>Required</u>			
Density (max)				
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Side street setback	15'	15'	15'	[15] <u>5'</u>
* * *				
Side setback, end unit	n/a	n/a	n/a	[4] <u>3'</u>

Side setback between lot and site boundary	n/a	n/a	n/a	[8]5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Rear setback between lot and site boundary	n/a	n/a	n/a	[20]10'
Accessory Structure Setbacks (min)				
Front setback, behind front building line	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15]5'
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

612 C. TMD Zone, Optional Method Development Standards

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
Dimensions (min)			
Usable area	[20,038] 20,000 SF		
Density (max)			
Density (units/acre of usable area)	15.25		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	[45] 20%		
Site Coverage (max)			

	MPDU Development		
	Detached House	Duplex	Townhouse
Site coverage	n/a	n/a	40%
Specification for [[Open Space and]] Site Coverage			
a. In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.			
2. Lot			
Dimensions (min)			
* * *			
Coverage (max)			
Lot	60%	60%	[60%] n/a
3. Placement			
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	[6']4'	[6']4'	[6']4'
Side street setback	10'	10'	[10]5'
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

613 **Section 4.4.13. Townhouse High Density Zone (THD)**

614 * * *

615 **B. THD Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
1. Site				

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
* * *				
Open Space (min)				
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[40] <u>20%</u>
Site Coverage (max)				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
[Specifications] Specification for [[Open Space and]] Site Coverage				
a. In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot and Density				
Lot (min)				
Lot area	2,900 SF	1,450 SF	2,900 SF	[1,200] <u>1,000</u> SF
Lot width at front building line	30'	15'	30'	n/a
Lot width at front lot line	10'	10'	10'	n/a
<u>Frontage on street or open space</u>	<u>Required</u>			
Density (max)				
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Side street setback	15'	15'	15'	[15] <u>5'</u>

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
* * *				
Side setback, end unit	n/a	n/a	n/a	[5]3'
Side setback between lot and site boundary	n/a	n/a	n/a	[10]5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Rear setback between lot and site boundary	n/a	n/a	n/a	[25]10'
Accessory Structure Setbacks (min)				
Front setback, behind front building line	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15]5'
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

616 C. THD Zone, Optional Method Development Standards

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
Dimensions (min)			
Usable area	[39,204] 39,200 SF		
Density (max)			
Density (units/acre of usable area)	18.30		
Open Space (min)			

	MPDU Development		
	Detached House	Duplex	Townhouse
Common open space (% of usable area) (See Section 6.3.5)	[30] <u>15%</u>		
Site Coverage (max)			
Site coverage	n/a	n/a	<u>40%</u>
Specification for [[Open Space and]] Site Coverage			
a. <u>In development with a townhouse building type, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
2. Lot			
Dimensions (min)			
* * *			
Coverage (max)			
Lot	75%	75%	[75%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	[6] <u>4'</u>	[6] <u>4'</u>	[6] <u>4'</u>
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

617 **Section 4.4.14. Residential Multi-Unit Low Density – 30 Zone (R-30)**

618 * * *

619 **B. R-30 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
1. Site					
* * *					
Open Space (min)					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[65]35%	[65]50%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[18]25%	18%
[Specifications] Specification for [[Open Space and]] Site Coverage					
a. In a development with townhouse or apartment building types, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.					
2. Lot and Density					
Lot (min)					
Lot area	3,000 SF	1,500 SF	3,000 SF	[1,200] 1,000 SF	12,000 SF
Lot width at front building line	30'	15'	30'	n/a	75'
Lot width at front lot line	10'	10'	10'	n/a	n/a
<u>Frontage on street or open space</u>	<u>Required</u>				
Density (max)					
* * *					
3. Placement					
Principal Building Setbacks (min)					

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
Front setback, public street	20'	20'	20'	20'	30'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	20'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	10'
* * *					
Side setback, end unit	n/a	n/a	n/a	[5'] <u>3'</u>	n/a
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	15'
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					

620 C. R-30 Zone, Optional Method Development Standards

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	[11,761] <u>11,700</u> SF			
Density (max)				
Density (units/acre of usable area)	17.69			
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	[35] <u>25%</u>			
Site Coverage (max)				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>30%</u>	<u>18%</u>
Specification for <u>[[Open Space and]] Site Coverage</u>				
a. In a development with townhouse or apartment building types, <u>[[open space and]] site coverage</u> <u>[[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u>				
2. Lot				
Dimensions (min)				
* * *				
Coverage (max)				
Lot	75%	75%	[75%] <u>n/a</u>	[18%] <u>n/a</u>
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	[6'] <u>4'</u>	[6'] <u>4'</u>	[6'] <u>4'</u>	Determined at site plan
Side street setback	10'	10'	[10'] <u>5'</u>	Determined at site plan
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	n/a

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
* * *				

621 **Section 4.4.15. Residential Multi-Unit Medium Density – 20 Zone (R-20)**

622 * * *

623 **B. R-20 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
1. Site					
* * *					
Open Space (min)					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[60]30%	[60]45%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[18]25%	18%
[Specifications] Specification for Open Space and Site Coverage					
* * *					
2. Lot and Density					
Lot (min)					
Lot area	2,000 SF	1,000 SF	2,000 SF	1,000 SF	16,000 SF
Lot width at front building line	25'	12.5'	25'	n/a	85'
Lot width at front lot line	10'	10'	10'	n/a	n/a

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
<u>Frontage on street or open space</u>	<u>Required</u>				
Density (max)					
3. Placement					
Principal Building Setbacks (min)					
Front setback, public street	20'	20'	20'	20'	30'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	20'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	10'
* * *					
Side setback, end unit	n/a	n/a	n/a	[5'] <u>3'</u>	n/a
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	15'
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					

624 C. R-20 Zone, Optional Method Development Standards

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	[15,682] 15,600 SF			
Density (max)				
Density (units/acre of usable area)	26.47			
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	[35]25%			
Site Coverage (max)				
Site coverage	n/a	n/a	30%	18%
Specification for [[Open Space and]] Site Coverage				
a. In a development with townhouse or apartment building types, [[open space and]] site coverage [[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot				
Dimensions (min)				
* * *				
Coverage (max)				
Lot	75%	75%	[75%] n/a	[18%] n/a
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	[6']4'	Determined at site plan
Side street setback	10'	10'	[10']5'	Determined at site plan

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	n/a
* * *				

625 **Section 4.4.16. Residential Multi-Unit High Density -10 Zone (R-10)**

626 * * *

627 **B. R-10 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
1. Site					
* * *					
Open Space (min)					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[50]30%	[50]40%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[12]20%	12%
[Specifications] Specification for Open Space and Site Coverage					
* * *					
2. Lot and Density					
Lot (min)					
Lot area	2,000 SF	1,000 SF	2,000 SF	800 SF	20,000 SF

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
Lot width at front building line	25'	12.5'	25'	n/a	100'
Lot width at front lot line	10'	10'	10'	n/a	n/a
<u>Frontage on street or open space</u>	<u>Required</u>				
Density (max)					
* * *					
3. Placement					
Principal Building Setbacks (min)					
Front setback, public street	20'	20'	20'	20'	30'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	20'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	10'
* * *					
Side setback, end unit	n/a	n/a	n/a	[5'] <u>3'</u>	n/a
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
Accessory Structure Setbacks (min)					

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	15'
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
5. Form					
* * *					
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
[Entrance spacing (max)]	[n/a]	[n/a]	[n/a]	[n/a]	[n/a]
* * *					

628 C. R-10 Zone, Optional Method Development Standards

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	[20,038] <u>20,000</u> SF			
Density (max)				
Density (units/acre of usable area)	53.07			

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	[35] <u>25%</u>			
Site Coverage (max)				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>25%</u>	<u>12%</u>
Specification for <u>[[Open Space and]] Site Coverage</u>				
a. In a development with townhouse or apartment building types, <u>[[open space and]] site coverage</u> <u>[[are]]</u> is calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot				
Dimensions (min)				
* * *				
Coverage (max)				
Lot	75%	75%	[75%] <u>n/a</u>	[12%] <u>n/a</u>
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	[6'] <u>4'</u>	Determined at site plan
Side street setback	10'	10'	[10'] <u>5'</u>	Determined at site plan
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	n/a
* * *				

629 **Sec. 10. DIVISION 59-4.5. is amended as follows:**
630 **Division 59-4.5. Commercial/Residential Zones**
631 * * *
632 **Section 4.5.2. Density and Height Allocation**

633 **A. Density and Height Limits**

- 634 1. Density is calculated as an allowed floor area ratio (FAR).
 635 2. Each CRN, CRT, and CR zone classification is followed by a number
 636 and a sequence of 3 additional symbols: C, R, and H, each followed
 637 by another number where:
 638 a. The number following the classification is the maximum total
 639 FAR allowed unless additional FAR is allowed under Section
 640 4.5.2.C [[and]] or Section 4.7.3.D.6.c;
 641 b. The number following the C is the maximum nonresidential
 642 FAR allowed;
 643 c. The number following the R is the maximum residential FAR
 644 allowed unless additional residential FAR is allowed under
 645 Section 4.5.2.C [[and]] or Section 4.7.3.D.6.c; and
 646 d. The number following the H is the maximum building height in
 647 feet allowed unless additional height is allowed under Section
 648 4.5.2.C [[and]] or Section 4.7.3.D.6.c.
 649 3. The following limits apply unless additional total FAR, residential
 650 FAR, or height is allowed under Section 4.5.2.C [[and]] or Section
 651 4.7.3.D.6.c:

652 * * *

653 **Section 4.5.3. Standard Method Development**

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

	Detached House	Duplex – Side	Duplex – Over	* * *
1. Site				
Open Space (min)				

Open space, [[site]] tract ≤ 10,000 SF	n/a	n/a	n/a	
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	
* * *				

655 **Sec. 11. DIVISION 4.6. is amended as follows:**

656 **Division 4.6. Employment Zones**

657 * * *

658 **Section 4.6.3. Standard Method Development**

659 The GR, NR, LSC, and EOF [[zone]] zones allow standard method development
660 under the following limitations and requirements.

661 **A. In General**

662 1. In the GR and NR zone, the maximum total FAR and maximum
663 height for any property is set by the zone shown on the zoning map.

664 **[B.]** 2. In the LSC and EOF zones, the maximum standard method height for
665 any property is the height set by the zone shown on the zoning map;
666 the maximum total standard method FAR for any property is the limit
667 indicated in the following table, unless shown as lower on the zoning
668 map:

Zone	Total Density (max)
LSC	The greater of 0.5 FAR or 10,000 SF of gross floor area
EOF	The greater of 1.0 FAR or 10,000 SF of gross floor area

669 **B. Procedure for Approval**

670 1. Site plan approval may be required under Section 7.3.4.A.8.

671 2. An applicant may file a site plan application to modify the Parking
672 Setbacks for Surface Parking Lots, Build-to Area, Building

673

Orientation, or Transparency requirements under Section 4.6.3.D and

674

Section 4.6.3.E.

675

C. GR and NR Zones, Standard Method Development Standards

	Detached House	Duplex – [Side] – [Over] Side	Duplex – [Over] – [Side] Over	Townhouse	Apartment	Multi Use	General
1. Site							
Open Space (min)							
Open space, [[site]] tract ≤ 10,000 SF	n/a	n/a	n/a	[20] 10%	0%	0%	0%
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	[20] 10%	10%	10%	10%
Specifications for all Open Space							
a. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.							
b. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is amenity open space (see Section 6.3.7).							
2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	[[1,000]] 500 SF	[[500]] 1000 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	[[25']] 12.5'	[[12.5']] 25'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	[[10']] n/a	[[n/a]] 10'	n/a	n/a	n/a	n/a
* * *							
Coverage (max)							
Lot	90%	90%	90%	[90%] n/a	n/a	n/a	n/a
* * *							
a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.							
3. Placement							
* * *							
Side setback, end unit	n/a	n/a	n/a	[4'] 2'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8'] 4'	n/a	n/a	n/a

	Detached House	Duplex – [Side] [[Over]] Side	Duplex – [Over] [[Side]] Over	Town-house	Apartment	Multi Use	General
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	[15'] 5'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	[15'] 5'	0'	0'	0'
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
* * *							

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

	Detached House	Duplex – [Side] [[Over]] Side	Duplex – [Over] [[Side]] Over	Town-house	Apartment	Multi Use	General
1. Site							
Open Space (min)							
Open space, [[site]] tract ≤ 10,000 SF	n/a	n/a	n/a	[20] 10%	0%	0%	0%
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	[20] 10%	10%	10%	10%
* * *							
2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	[[1,000]] 500 SF	[[500]] 1,000 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	[[25']] 12.5'	[[12.5']] 25'	12'	n/a	n/a	n/a
* * *							
Coverage (max)							

	Detached House	Duplex – [Side] [[Over]] Side	Duplex – [Over] [[Side]] Over	Town-house	Apartment	Multi Use	General
Lot	90%	90%	90%	[90%] n/a	n/a	n/a	n/a
3. Placement							
Principal Building Setbacks (min)							
* * *							
Side setback, end unit	n/a	n/a	n/a	[4'] 2'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8'] 4'	n/a	n/a	n/a
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	[15'] 5'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	[15'] 5'	0'	0'	0'
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line <u>of building in the BTA</u>		
Side street setback	n/a	n/a	n/a	n/a	must be behind [front] <u>side street building line of building in the BTA</u>		
* * *							
Build-to Area (BTA, max setback and min % of [lot width] building facade)							
* * *							
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							
a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to[[-]] line is recommended in the							

	Detached House	Duplex – [Side] [[Over]] Side	Duplex – [Over] [[Side]] Over	Town-house	Apart-ment	Multi Use	General
<p>applicable master plan. [If a site plan approval is required, the] <u>The Planning Board may [waive] modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4 [[if it finds that the alternative design satisfies the intent of the zone and]]. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from [[those]] the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.</u></p>							
* * *							
5. Form							
* * *							
Specification for Building Orientation and Transparency							
<p>a. Building Orientation and Transparency requirements only apply when the development fronts on a business district street or a build-to[[-]] line is recommended in the applicable master plan. [If a site plan approval is required, the] <u>The Planning Board may [waive] modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4 [[if it finds that the alternative design satisfies the intent of the zone and]]. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from [[those]] the Building Orientation and Transparency requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.</u></p>							
* * *							

677 E. EOF Zone, Standard Method Development Standards

	Detached House	Duplex – [Side] [[Over]] Side	Duplex – [Over] [[Side]] Over	Town-house	Apart-ment	Multi Use	General
1. Site							
Open Space (min)							
Open space, [[site]] tract ≤ 10,000 SF	n/a	n/a	n/a	[20] 10%	0%	0%	0%
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	[20] 10%	10%	10%	10%
* * *							
2. Lot and Density							

	Detached House	Duplex – [Side] [[Over]] <u>Side</u>	Duplex – [Over] [[Side]] <u>Over</u>	Town- house	Apartment	Multi Use	General
Lot (min)							
Lot area	1,000 SF	[[1,000]] <u>500</u> SF	[[500]] <u>1,000</u> SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	[[25']] <u>12.5'</u>	[[12.5']] <u>25'</u>	12'	n/a	n/a	n/a
* * *							
Coverage (max)							
Lot	90%	90%	90%	[90%] <u>n/a</u>	n/a	n/a	n/a
* * *							
3. Placement							
Principal Building Setbacks (min)							
* * *							
Side setback, end unit	n/a	n/a	n/a	[4'] <u>2'</u>	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8'] <u>4'</u>	n/a	n/a	n/a
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	[15'] <u>5'</u>	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15"	15'	15'	[15'] <u>5'</u>	0'	0'	0'
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line <u>of building in the BTA</u>		

	Detached House	Duplex – [Side] – [[Over]] Side	Duplex – [Over] – [[Side]] Over	Town-house	Apartment	Multi Use	General
Side street setback	n/a	n/a	n/a	n/a	must be behind [front] side street building line of building in the BTA		
* * *							
Build-to Area (BTA, max setback and min % of [lot width] building facade)							
* * *							
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							
<p>a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to[[-]] line is recommended in the applicable master plan. [If a site plan approval is required, the] The Planning Board may [waive] modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4 [[if it finds that the alternative design satisfies the intent of the zone and]]. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from [[those]] the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.</p>							
* * *							
5. Form							
* * *							
Specification for Building Orientation and Transparency							
<p>a. Building Orientation and Transparency requirements only apply when the development fronts on a business district street or a build-to[[-]] line is recommended in the applicable master plan. [If a site plan approval is required, the] The Planning Board may [waive] modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4 [[if it finds that the alternative design satisfies the intent of the zone and]]. In approving a site plan submitted under section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from [[those]] the Building Orientation and Transparency requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces, such as streets, sidewalks, and parks.</p>							
* * *							

678 **Section 4.6.4. Optional Method Development**

679 * * *

680 **B. Development Standards**

681 **1. Open Space**

682 a. A developer must provide open space based on the [lot] tract
683 area and number of frontages as described in the following
684 table.

[Lot] Tract Area	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Open Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

685 * * *

686 **Sec. 12. DIVISION 4.7. is amended as follows:**

687 **Division 4.7. Optional Method Public Benefits**

688 **Section 4.7.1. General Provisions**

689 * * *

690 **B. General Public Benefit Considerations**

691 Granting points as a public benefit for any amenity or project feature
692 otherwise required by law is prohibited. In approving any incentive FAR
693 based on the provision of public benefits, the Planning Board must consider:

- 694 1. the recommendations and objectives of the applicable master plan;
- 695 2. the [CR] Commercial/Residential and Employment Zone Incentive
696 Density Implementation Guidelines;

697 * * *

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

699 * * *

700 **B. Transit Proximity**

701 1. Transit proximity points are granted for proximity to existing or
702 master planned transit stops based on transit service level and CRT,
703 CR, LSC, and EOF zones. Public benefit points can only be granted
704 for one transit stop.

705 * * *

706 **E. Quality Building and Site Design**

707 * * *

708 **5. Public Art:** Up to 15 points for installing public art reviewed for
709 comment by the Art Review Panel under The Public Art Guidelines
710 approved by the Planning Board, or [[by]] for paying a fee accepted
711 by[,] the Public Arts Trust Steering Committee [[PATSC]].

712 * * *

713 **Sec. 13. DIVISION 4.8. is amended as follows:**

714 **Division 4.8. Industrial Zones**

715 * * *

716 **Section 4.8.3. Standard Method Development**

717 The IL, IM, and IH zones allow development only under the standard method. Site
718 plan approval may be required under Section 7.3.4.A.8.

719 **A. IL and IM Zones, Standard Method Development Standards**

	Multi Use	General
1. Site		
Open Space (min)		

Amenity open space, [[site]] tract ≤ 10,000 SF (see Section [7.3.7] 6.3.7)	5%	5%
Amenity open space, [[site]] tract > 10,000 SF (see Section [7.3.7] 6.3.7)	10%	10%
<u>Specification for Open Space</u>		
a. <u>Open space is calculated on the area of the site.</u>		
* * *		

720 **B. IH Zone, Standard Method Development Standards**

	Multi Use	General
1. Site		
Open Space (min)		
Amenity open space, [[site]] tract ≤ 10,000 SF (see Section [7.3.7] 6.3.7)	5%	5%
Amenity open space, [[site]] tract > 10,000 SF (see Section [7.3.7] 6.3.7)	10%	10%
<u>Specification for Open Space</u>		
a. <u>Open space is calculated on the area of the site.</u>		
* * *		

721 **Sec. 14. DIVISION 4.9. is amended as follows:**

722 **Division 4.9. Overlay Zones**

723 * * *

724 **Section 4.9.8. Garrett Park (GP) Overlay Zone**

725 * * *

726 **D. Development Standards**

727 The development standards in the GP Overlay zone are the same as those in
 728 the R-90, except as follows:

- 729 1. The minimum front and side street setback for a main building is 30
- 730 feet, and if the abutting lots are occupied by buildings with a front or
- 731 side street setback greater than this requirement, no building hereafter
- 732 erected or any addition to an existing building may project beyond the
- 733 line previously established by the buildings on the abutting lots.
- 734 2. A [front] porch added to a main building existing as of February 15,
- 735 2000 may project a maximum of 8 feet into the front and side street
- 736 setback and may be covered, but not enclosed.

737 * * *

738 **Section 4.9.14. Takoma Park/East Silver Spring Commercial Revitalization**
 739 **(TPESS) Overlay Zone**

740 * * *

741 **D. Site Plan**

742 * * *

- 743 2. During site plan review, the Planning Board may:

744 * * *

- 745 c. where recommended in the master plan, allow direct pedestrian
- 746 access for all uses from the exterior of a structure in the [EOF
- 747 or] CRT zone; and

748 * * *

749 **Section 4.9.15. Transferable Development Rights (TDR) Overlay Zone**

750 * * *

751 **B. Optional Method**

752 * * *

753 **2. Rural Residential and Residential Zones**

754 * * *

755 **c. Development Standards**

756 The following table indicates the required development standards for each TDR
 757 density designation:

TDR Density Designation	Development Standards
* * *	
3-5	May utilize the R-60 optional method MPDU Development standards, see Division 4.4. <u>The minimum usable area does not apply.</u>
6 or more	Determined at site plan

758 **3. Commercial/Residential and Employment Zones**

759 * * *

760 **b. Calculation of TDRs Required in the**
 761 **Commercial/Residential or Employment Zones**

762 * * *

763 iii. For optional method development, the Planning Board
 764 may grant a maximum of 20 public benefit points for
 765 TDRs under Section [4.7.3.F.7] 4.7.3.F.6.

766 * * *

767 **Section 4.9.18. Upper Rock Creek (URC) Overlay Zone**

768 * * *

769 **B. Exemptions**

770 1. The following are exempt from Section 4.9.18:

771 * * *

772 f. Development in any Industrial or Commercial/Residential zone.

773 g. Development not served by community sewer.

774 * * *

775 **Sec. 15. DIVISION 5.1 is amended as follows:**

776 **Division 5.1. In General**

777 * * *

778 **Section 5.1.2. Intent Statement**

779 * * *

780 B. Encourage the appropriate use of land by:

781 * * *

782 3. ensuring that development satisfies basic sustainability requirements,
783 including[:] open space standards and environmental protection and
784 mitigation; and

- 785 [a. locational criteria,
- 786 b. connections to circulation networks,
- 787 c. density and use limitations,
- 788 d. open space standards,
- 789 e. environmental protection and mitigation; and]

790 * * *

791 **Sec. 16. DIVISION 5.2. is amended as follows:**

792 **Division 5.2. Residential Floating Zones**

793 **Section 5.2.5. Development Standards**

794 * * *

795 **B. Setback and Height**

796 * * *

797 2. [[Maximum height and setbacks]] Setbacks from the site boundary
798 and maximum height are established by the floating zone plan. All
799 other setbacks are established by the site plan approval process under
800 Section 7.3.4.

801 * * *

802 **C. Lot Size**

803 Minimum lot sizes are established by the [[floating zone plan]] site plan
804 approval process under Section 7.3.4.

805 **D. [[Coverage]] Open Space**

806 * * *

807

808 **Sec. 17. DIVISION 5.3 is amended as follows:**

809 **Division 5.3. Commercial/Residential Floating Zones**

810 **Section 5.3.1. Zones**

811 * * *

812 B. Commercial/Residential Floating zones are mapped using the zone's initials
813 followed by the maximum allowed total, commercial, and residential
814 densities and maximum allowed height as limited by Division 5.3. Zones are
815 established at density increments of 0.25 FAR and height increments of 5
816 feet.

817 * * *

818 **Section 5.3.5. Development Standards**

819 * * *

820 **B. Setback and Height**

821 * * *

822 2. [[Maximum height and setbacks]] Setbacks from the site boundary
823 and maximum height are established by the floating zone plan. All
824 other setbacks are established by the site plan approval process under
825 Section 7.3.4.

826 * * *

827 **C. Lot Size**

828 Minimum lot sizes are established by the [[floating zone plan]] site plan
829 approval process under Section 7.3.4.

830 * * *

831 **Sec. 18. DIVISION 5.4 is amended as follows:**

832 **Division 5.4. Employment Floating Zones**

833 **Section 5.4.1. Zones**

834 * * *

835 B. Employment Floating zones are mapped using the zone's initials followed by
836 the maximum allowed total density and maximum allowed height as limited
837 by Division 5.4. Zones are established at density increments of 0.25 FAR
838 and height increments of 5 feet.

839 * * *

840 **Section 5.4.5. Development Standards**

841 * * *

842 **B. Setback and Height**

843 * * *

844 2. [[Maximum height and setbacks]] Setbacks from the site boundary
845 and maximum height are established by the floating zone plan. All
846 other setbacks are established by the site plan approval process under
847 Section 7.3.4.

848 * * *

849 **C. Lot Size**

850 Minimum lot sizes are established by the [[floating zone plan]] site plan
851 approval process under Section 7.3.4.

852 * * *

853 **Sec. 19. DIVISION 5.5 is amended as follows:**

854 **Division 5.5. Industrial Floating Zones**

855 **Section 5.5.1. Zones**

856 * * *

857 B. Industrial Floating zones are mapped using the zone's initials followed by
858 the maximum allowed total density and maximum allowed height as limited
859 by Division 5.5. Zones are established at density increments of 0.25 FAR
860 and height increments of 5 feet.

861 * * *

862 **Section 5.5.5. Development Standards**

863 * * *

864 **B. Setback and Height**

865 * * *

866 2. [[Maximum height and setbacks]] Setbacks from the site boundary
867 and maximum height are established by the floating zone plan. All
868 other setbacks are established by the site plan approval process under
869 Section 7.3.4.

870 * * *

871 **C. Lot Size**

872 Minimum lot sizes are established by the [[floating zone plan]] site plan
873 approval process under Section 7.3.4.

874 * * *

875 **Sec. 20. DIVISION 6.2 is amended as follows:**

876 **Division 6.2. Parking, Queuing, and Loading**

877 * * *

878 **Section 6.2.2. Applicability**

879 * * *

880 B. An applicant must not reduce the area of an existing off-street parking
881 facility below the minimum number of parking spaces required under
882 Division 6.2 unless [an alternative compliance plan] a parking waiver under
883 Section 6.2.10 is approved.

884 * * *

885 **Section 6.2.3. Calculation of Required Parking**

886 * * *

887 **D. Car-Share Spaces**

888 1. A parking facility with 50 to 149 parking spaces must have a
889 minimum of one car-share parking space. One additional car-share
890 parking space is required for each 100 parking spaces more than 149,
891 or fraction thereof, up to a maximum requirement of 5. A parking
892 facility may provide more car-share parking spaces than required.

893 * * *

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

895 Any parking facility constructed after May 12, 2014, containing 100 parking
896 spaces or more, must have a minimum of one parking space ready to be
897 converted to a station for charging electric vehicles for every 100 parking
898 spaces, or fraction thereof.

899 * * *

900 **G. Off-Site Parking by Agreement**

901 1. An applicant may satisfy the required number of vehicular parking
902 spaces through off-site parking on property located within ¼ mile of
903 the subject property if the off-site property is plat-restricted, deed-
904 restricted, or is under a joint use agreement. The plat or deed
905 restrictions must specify that the property provides the required
906 number of parking spaces for a use on another property. The plat or
907 deed restrictions may be lifted if substitute off-site parking is provided
908 or if the use requiring the parking ceases to exist. A joint use
909 agreement must:

910 * * *

911 e. If the parking available under a joint use agreement is reduced,
912 the use-and-occupancy permit for the development that was
913 approved in reliance on the joint use agreement must be
914 amended or revoked, as appropriate, due to the reduced parking
915 unless [an alternative compliance plan] a parking waiver under
916 Section 6.2.10 is approved.

917 * * *

918 **H. Parking Minimums and Maximums**

919 * * *

920 **2. Reduced Parking Area**

921 a. In a Reduced Parking Area, an applicant may provide fewer
922 parking spaces than required, after all adjustments are made
923 under Section 6.2.3.I, only [under Alternative Compliance (see
924 Division 6.8)] if a parking waiver under Section 6.2.10 is
925 approved.

926 b. In a Reduced Parking Area, an applicant may provide more
927 parking spaces than allowed by the maximum if all of the
928 parking spaces provided in excess of the maximum number
929 allowed are made available to the public and are not reserved,
930 or if [approved under Alternative Compliance (see Division
931 6.8)] a parking waiver under Section 6.2.10 is approved.

932 * * *

933 **Section 6.2.4. Parking Requirements**

934 **A. Using the Parking Tables**

935 Uses on the parking table match the allowed uses and use groups in Article
936 59-3. The number of required spaces is based on a metric specific to each
937 use[, such as 1,000 square feet of gross floor area (GFA)]. If the proposed

938 intensity of the use is less than the metric in the tables in subsection B and C,
 939 the baseline minimum is calculated using a fraction of that metric. The
 940 number of vehicle parking spaces required also depends upon whether the
 941 property is located in or outside of a Parking Lot District or Reduced
 942 Parking Area.

943 * * *

944 **B. Vehicle Parking Spaces**

USE or USE GROUP	Metric	Agricultural, Rural Residential, and Industrial Zones	Commercial/Residential and Employment Zones		
			Within a Parking Lot District or Reduced Parking Area		Outside a Parking Lot District or Reduced Parking Area
			Baseline Minimum	Baseline Maximum	Baseline Minimum
* * *					
CIVIC AND INSTITUTIONAL					
* * *					
Educational Institution (Private)	Student (Grades 9 – 12 or age 16 ⁺)	0.25	0.15	0.25	0.25
	Employee	1.00	0.25	0.50	0.50
* * *					
COMMERCIAL					
* * *					
Office and Professional					
[[Life Sciences]] Office	1,000 SF of GFA	2.80	2.00	3.00	2.25

[[Research and Development]]					
<u>Life Sciences Research and Development</u>	<u>1,000 SF of GFA</u>	<u>1.50</u>	<u>1.00</u>	<u>3.00</u>	<u>1.50</u>
* * *					

945

946 **Section 6.2.5. Vehicle Parking Design Standards**

947 * * *

948 **M. Surface Parking in R-200, R-90, R-60, and R-40 Zones**

- 949 1. Parking for any vehicle or trailer in the area between the lot line and
 950 the front or side street building line must be on a surfaced parking
 951 area.
- 952 2. Except as provided in Section 6.2.5.M.3, the maximum surfaced
 953 parking area between the lot line and the front or side street building
 954 line, excluding the surfaced parking area in a driveway on a pipestem
 955 or flag-shaped lot, is:

956 * * *

- 957 3. A surfaced parking area may exceed the size limits in Section
 958 6.2.5.M.2 if:
- 959 a. the surfaced parking area existed before October 26, 2010 and
 960 is not increased in size;
- 961 b. the property has primary access from a primary residential
 962 street, minor arterial road, major highway, arterial, or any state
 963 road, and is equal to or less than 50% of the area between the
 964 lot line and the front or side street building line;

965 * * *

966 4. Parking a vehicle in the area between the lot line and front or side
967 street building line on a non-surfaced parking area or on less than 160
968 square feet of surfaced parking area for each vehicle is prohibited.

969 * * *

970 **Section 6.2.10. Parking Waiver**

971 The deciding body may waive any requirement of Division 6.2, except the required
972 parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design
973 satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space
974 requirement under Section 6.2.4.B requires application notice under Section
975 7.5.2.D.

976 * * *

977 **Sec. 21. DIVISION 6.3 is amended as follows:**

978 **Division 6.3. Open Space and Recreation**

979 * * *

980 **Section 6.3.5. Common Open Space**

981 **A. General Requirements**

982 **1. Applicability**

983 Common open space is required for any:

- 984 a. optional method development in an RNC or Residential
985 [[Detached]] zone;
- 986 b. standard method development with a townhouse or apartment
987 building type in a Residential Townhouse or Residential Multi-
988 Unit zone;

989 * * *

990 **Sec. 22. DIVISION 6.4 is amended as follows:**

991 **Division 6.4. General Landscaping and Outdoor Lighting**

992 * * *

993 **Section 6.4.3. General Landscaping Requirements**

994 * * *

995 **C. Fences and Walls**

996 * * *

997 **2. Height and Placement**

998 [a. The maximum height of a fence or wall in any front setback in
999 a Residential zone is 4 feet.]

1000 [b] a. A fence, wall other than retaining wall, terrace, structure,
1001 shrubbery, planting, or other visual obstruction on a corner lot
1002 in a Residential zone can be a maximum height of 3 feet above
1003 the curb level for a distance of 15 feet from the intersection of
1004 the front and side street lines.

1005 [c] b. A deer fence on a corner lot in a Residential zone must not be
1006 located closer to the street than the face of the building.

1007 [d] c. A wall or fence must not be located within any required
1008 drainage, utility or similar easement, unless approved by the
1009 agency with jurisdiction over the easement.

1010 **3. Exemptions from Building Line and Setbacks**

1011 Building line and setback requirements do not apply to:

1012 * * *

1013 c. any other wall or fence that is 6.5 feet or less in height[[,]] [is
1014 behind the front building line[[,]] and is not on a property
1015 abutting a national historic park;

1016 * * *

1017 **Sec. 23. DIVISION 59-6.7. is amended as follows:**

1018 **Division 59-6.7. Signs**

1019 * * *

1020 **Section 6.7.3. Exempt Signs**

1021 The following signs are exempt from Division 6.7:

- 1022 A. A sign on private property does not require a permit when the area of the
1023 sign is 2 square feet or less, and:
- 1024 1. the sign is on private property customarily associated with residential
1025 living or decoration.
 - 1026 2. the sign is part of a mailbox or newspaper tube and satisfies
1027 government regulations.
 - 1028 3. the sign is a warning to the public about trespass, danger, or safety
1029 considerations.
- 1030 B. A sign legally affixed to a bus shelter or transit center information kiosk
1031 under an approved franchise agreement, or located in a public parking
1032 structure and not visible beyond the property line, does not require a permit.

1033 * * *

1034 **Section 6.7.4. Prohibited Signs**

1035 A sign not authorized in Division 6.7 is prohibited. [[The]] Except for a sign that is
1036 not visible beyond the property lines of the property where the sign is located, the
1037 following signs are specifically prohibited and must not be erected or retained. The
1038 Sign Review Board must not grant a variance permitting their erection, installation,
1039 or maintenance. A prohibited sign must be removed within 24 hours after
1040 notification by DPS that the sign must be removed.

1041 * * *

1042 **F. Sign in the Public Right-of-Way**

1043 A sign in the right-of-way is prohibited, except for the following:

1044 * * *

- 1045 5. A sign approved as part of a sign concept plan for an optional method
1046 development project located in an urban renewal area.

1047 Section 6.7.4.F does not affect the authority of the appropriate transportation
1048 jurisdiction to regulate signs in its right-of-way or the authority of the
1049 Department of Transportation to otherwise regulate the right-of-way. The
1050 appropriate transportation jurisdiction or DPS may remove any sign in the
1051 public right-of-way that is prohibited under Section 6.7.4.F.

1052 * * *

1053 **Sec. 24. DIVISION 6.8 is amended as follows:**

1054 **Division 6.8. Alternative Compliance**

1055 **Section 6.8.1. Alternative Method of Compliance**

1056 The applicable deciding body may approve an alternative method of compliance
1057 with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it
1058 determines that there [are] is a unique site, [or] a use characteristic, or a
1059 development [constraints] constraint, such as grade, visibility, an existing building
1060 or structure, an easement, or a utility line[, or use restrictions]. The applicable
1061 deciding body must also determine that the unique site, use characteristic, or
1062 development constraint [preclude] precludes safe or efficient development under
1063 the requirements of the applicable Division, and the alternative design will:

1064 * * *

1065 **Sec. 25. DIVISION 7.2 is amended as follows:**

1066 **Division 7.2. District Council Approvals**

1067 **Section 7.2.1. Local Map Amendment**

1068 * * *

1069 **E. Necessary Findings**

1070 * * *

1071 2. For a Floating zone application, the District Council must find that the
1072 floating zone plan will:

- 1073 a. substantially conform with the recommendations of the
- 1074 applicable master plan, general plan, and other applicable
- 1075 County plans;
- 1076 b. further the public interest;
- 1077 c. satisfy the intent[[, purposes,]] and standards of the proposed
- 1078 zone and, to the extent the Hearing Examiner finds it necessary
- 1079 to ensure compatibility, meet other applicable requirements of
- 1080 this Chapter;

1081 * * *

Sec. 26. DIVISION 7.3 is amended as follows:

Division 7.3 Regulatory Approvals

Section 7.3.1. Conditional Use

1085 * * *

B. Application Requirements

1087 * * *

- 1088 2. The applicant must submit the following for review:

1089 * * *

- 1090 f. list of any civic, [[renters, and]] homeowners, and renters
- 1091 associations that are registered with the Planning Department
- 1092 and located within 1/2 mile of the site;

1093 * * *

E. Necessary Findings

- 1095 1. To approve a conditional use application, the Hearing Examiner must
- 1096 find that the proposed development:

- 1097 a. satisfies any applicable previous approval on the subject site or,
- 1098 if not, that the previous approval must be amended;

1125 must set a date by which the erection or alteration of the building must
1126 begin or the use must be established.

1127 * * *

1128 **K. Amendments**

1129 * * *

1130 2. Minor Amendment

1131 * * *

1132 b. When a minor amendment is granted, the Board of Appeals or
1133 Hearing Examiner must send a copy of the resolution or
1134 decision, as applicable, to the applicant, the Board of Appeals
1135 or Hearing Examiner, as appropriate, the Planning Board, DPS,
1136 the Department of Finance, all parties entitled to notice at the
1137 time of the original filing, and current abutting and confronting
1138 property owners. Except for an amendment for a
1139 Telecommunications Tower, [The] the resolution or decision, as
1140 applicable, must state that any party may request a public
1141 hearing on the Board of Appeals' or Hearing Examiner's action
1142 within 15 days after the resolution or decision is issued. The
1143 request for public hearing must be in writing, and must specify
1144 the reason for the request and the nature of the objection or
1145 relief desired. If a request for a hearing is received, the deciding
1146 body must suspend its administrative amendment and conduct a
1147 public hearing to consider whether the amendment substantially
1148 changes the nature, character, or intensity of the conditional use
1149 or its effect on the immediate neighborhood. If the Board of
1150 Appeals or Hearing Examiner determines that such impacts are
1151 likely, then the amendment application must be treated as a

1152 major amendment application. A decision of the Hearing
1153 Examiner may be appealed on the basis of the Hearing
1154 Examiner's record to the Board of Appeals. Any amendment to
1155 a Telecommunications Tower is also a minor amendment.

1156 * * *

1157 **Section 7.3.2. Variance**

1158 * * *

1159 **B. Application Requirements**

1160 * * *

1161 2. The applicant must submit the following for review:

1162 * * *

- 1163 g. list of any civic, [[renters, and]] homeowners, and
1164 renters associations that are registered with the Planning
1165 Department and located within 1/2 mile of the site;
- 1166 h. scale plans, illustrations, sections, elevations, or specifications
1167 showing all existing and proposed buildings and structures;
1168 [[and]]
- 1169 i. supplementary documentation to be introduced in support of the
1170 application[[.]]; and
- 1171 j. a letter from the Department of Permitting Services denying a
1172 building permit application.

1173 * * *

1174 **Section 7.3.3. Sketch Plan**

1175 * * *

1176 **B. Application Requirements**

1177 * * *

1178 3. The applicant must submit the following for review:

1179 * * *

1180 e. list of any civic, [[renters, and]] homeowners, and renters
1181 associations that are registered with the Planning Department
1182 and located within 1/2 mile of the site;

1183 * * *

1184 h. illustrative plans showing:

1185 * * *

1186 v. relationships [between existing or] of proposed [adjacent]
1187 buildings to adjacent existing or proposed buildings and
1188 rights-of-way;

1189 * * *

1190 **C. Hearing Date**

1191 The Planning Board must schedule a public hearing to begin within 90 days
1192 after the date an application was accepted. If a sketch plan application is
1193 accepted for concurrent review with a preliminary plan, the Planning Board
1194 may schedule the public hearing to begin within 120 days after the date the
1195 applications were accepted. The Planning Director may postpone the public
1196 hearing by up to 30 days once without Planning Board approval. The
1197 Planning Director or applicant may request an extension beyond the original
1198 30 days with Planning Board approval. Any extension of the public hearing
1199 must be noticed by mail and on the hearing agenda with the new public
1200 hearing date indicated.

1201 * * *

1202 **I. Amendments**

1203 [During site plan review, the Planning Board may approve an amendment to
1204 any binding element or condition of an approved sketch plan.] An
1205 amendment to any binding element or condition of an approved sketch plan

1206 must follow the same procedures, meet the same criteria, and satisfy the
1207 same requirements as the original sketch plan application, unless the sketch
1208 plan is amended during site plan review. If the sketch plan is [[amending]]
1209 amended during site plan review:

1210 1. An amendment to a binding element or condition of an approved
1211 sketch plan must be:

1212 * * *

1213 **Section 7.3.4. Site Plan**

1214 **A. Applicability and Description**

1215 1. [Development under the optional method requires approval of a site
1216 plan after approval of a sketch plan.] Site plan approval is required as
1217 indicated in the table in Section 7.3.4.A.8 and as specified in this
1218 Chapter.

1219 2. [Development under a Floating zone requires approval of a site plan
1220 after approval of a floating zone plan.] Reserved

1221 3. [Development under the standard method requires site plan approval
1222 as indicated in the table in Section 7.3.4.A.8.] Reserved

1223 * * *

1224 8. A site plan is required under standard method development for any
1225 new construction or expansion of an existing structure, where the
1226 proposed intensity, described in the table below, includes [[any]] both
1227 the existing structure and [[the]] any expansion, as follows:

1228 * * *

1229 **B. Application Requirements**

1230 * * *

1231 2. The applicant must submit the following for review:

1232 * * *

1233 e. list of any civic, ~~renters, and~~ homeowners, and renters
1234 associations that are registered with the Planning Department
1235 and located within 1/2 mile of the site;

1236 * * *

1237 l. plans of proposed development showing:
1238 i. use, footprints, ground-floor layout, and heights of all
1239 buildings and structures;

1240 * * *

1241 **G. Subsequent Actions**

1242 * * *

1243 **2. Permits Exempt from Conformance to Approved Site Plans**

1244 * * *

1245 c. On a property where a site plan was approved, any owner or
1246 owners' association may, without finding of conformance to the
1247 approved site plan, change landscaping that was not required as
1248 a condition of approval for screening or install a site element or
1249 construct a [paved surface or] structure other than a building
1250 that meets all applicable development standards under Article
1251 59-4 and general requirements under Article 59-6 and does not
1252 conflict with any conditions of approval. A structure allowed
1253 under ~~this Section (Section 7.3.4.G.2.c(D))~~ must not conflict
1254 with any necessary finding required for site plan approval.

1255 * * *

1256 **J. Amendments**

1257 Any property owner may apply for a site plan amendment to change a
1258 certified site plan. There are two types of amendments~~[,]~~: a major and a
1259 minor amendment.

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1286

1. Major Amendment

[A major amendment to an approved site plan must follow the same procedures, meet the same criteria, and satisfy the same requirements as the original site plan, except as modified under Section 7.3.4.J.1.b.]

a. A major amendment includes any request to increase density or height; change a use; decrease open space; [or to make a change to any condition] deviate from a binding element or a condition of approval; or alter a basic element of the plan.

b. [The Planning Board may approve an uncontested major amendment on its consent agenda if the Planning Director publishes a report and recommendation on the amendment a minimum of 10 days before the Planning Board meeting.]

Public notice is required under Division 7.5.

c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original site plan.

[[d. Additional requirements may be established by the Planning Department.]]

2. Minor Amendment

a. [The Planning Director may approve a minor amendment to an approved site plan.] A minor amendment includes any change to a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. A minor amendment also includes a reduction in approved parking to satisfy Article 59-6.

A minor amendment [includes] does not include any change that [does not increase] increases density or height[[;]]

1287 [decrease a setback abutting a detached residential use; or alter
1288 the intent, objectives, or requirements of the Planning Board in
1289 approving the site plan] or prevents circulation on any street or
1290 path. [A minor amendment may also be approved to reduce the
1291 approved parking to satisfy Article 59-6.]

1292 [a] b. Public notice is required under Division 7.5.

1293 [b] c. A minor amendment may be approved by the Planning Director
1294 without a public hearing if no objection to the application is
1295 received within 15 days after the application notice is sent. If an
1296 objection is received within 15 days after the application notice
1297 is sent, and the objection is considered relevant, [A] a public
1298 hearing is required [if an objection to the application is received
1299 within 15 days after the notice of the filed application is sent].
1300 A public hearing must be held under the same procedures as an
1301 original application. [If an objection to the application is not
1302 received within the 15 days, a public hearing is not required.]

1303 * * *

1304 **Sec. 27. DIVISION 7.4 is amended as follows:**

1305 **Division 7.4. Administrative Approvals**

1306 **Section 7.4.1. Building Permit**

1307 * * *

1308 **C. Review and Recommendation**

1309 DPS must submit the application to the Planning Director for review for any
1310 building permit that requests:

- 1311 1. construction of a new principal structure; or
- 1312 2. construction that increases the gross floor area of an existing
1313 commercial structure[; or]

1314 [[3. construction that increases the gross floor area of any residential
 1315 structure by more than 50% of the existing gross floor area]].

1316 The Planning Director must confirm in writing that the application satisfies
 1317 this Chapter and that the property has all necessary approvals required by the
 1318 Planning Department and Planning Board.

1319 * * *

1320 **Sec. 28. DIVISION 7.5 is amended as follows:**

1321 **Division 7.5. Notice Standards**

1322 **Section 7.5.1. Notice Required**

1323 Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting

Regulatory Approvals								

Sketch Plan		X	X	<u>X</u>	X	X		X
Site Plan		X	X	<u>X</u>	X	X		X

Amendments to Approvals								

Major Site Plan Amendment			X	<u>X</u>	X	X		X

1324 **Section 7.5.2. Notice Specifications**

1325 * * *

1326 **B. Pre-Submittal Meeting**

- 1327 1. Before an application may be accepted, the applicant must hold a
1328 public meeting to present the proposed application and respond to
1329 questions and comments. The meeting must be held no more than 90
1330 days before filing the application.
- 1331 2. The applicant must post a sign advertising the pre-submittal meeting,
1332 equivalent to the requirement for an application sign, a minimum of
1333 15 days before the meeting[, but no more than 90 days before filing
1334 the application].
- 1335 3. The applicant must send notice advertising the pre-submittal meeting
1336 to the same recipients required under Section 7.5.2.E.1, [[hearing
1337 notice]] Hearing Notice, a minimum of 15 days before the meeting.
- 1338 4. The notices must include the date and place of meeting, applicant,
1339 application number and name, location of property, property size,
1340 zone, proposed use, and density of development[, and phone and
1341 website for the applicable intake agency].

1342 * * *

1343 **C. Application Sign**

- 1344 1. The applicant must post at least one sign along every frontage [within
1345 5 days after an application is accepted]; if the frontage is more than
1346 500 feet, a sign must be posted at least every 500 feet.
- 1347 a. For a sketch plan, site plan, or major site plan amendment
1348 application, the sign must be posted before an application is
1349 accepted.

1377 site[[,]]; any municipality within 1/2 mile[[,]]; and, if applicable, pre-
 1378 submittal meeting attendees [if applicable] who request to be a party
 1379 of record. A condominium's council of unit owners may be notified
 1380 instead of the owner and residents of each individual condominium.
 1381 [[The deciding body may require additional noticing according to its
 1382 approved rules of procedure.]]

1383 2. The notice must [include] identify the applicant[,], and include the
 1384 application type, number, and project name[[,]]; location of
 1385 property[[,]]; property size[[,]]; zone (and requested zone, if
 1386 applicable) [[,]]; proposed use and density of development [[,]];
 1387 [[items]] changes covered by the proposed amendment, if
 1388 applicable[[,]]; and telephone number and website for the applicable
 1389 intake agency.

1390 **E. Hearing Notice**

1391 1. [The deciding body must send notice of the hearing within 5 days
 1392 after an application is accepted to] Hearing notice must be sent to all
 1393 abutting and confronting property owners [[,]]; civic, [[renters, and]]
 1394 homeowners, and renters associations that are registered with the
 1395 Planning Board and located within 1/2 mile [[,]] of the site; any
 1396 municipality within 1/2 mile [[,]]; and, if applicable, pre-submittal
 1397 meeting attendees [if applicable] who request to be a party of record.
 1398 A condominium's council of unit owners may be notified instead of
 1399 the owner and residents of each individual condominium. [[The
 1400 deciding body may require additional noticing according to its
 1401 approved rules of procedure.]]
 1402 a. The District Council, Hearing Examiner, and Board of Appeals,
 1403 as applicable, must send notice of the hearing [[within 5 days

1404 after an application is accepted]] a minimum of 30 days before
1405 the scheduled hearing date.

1406 b. The Planning Board must send notice of the hearing a minimum
1407 of 10 days before the scheduled hearing date.

1408 * * *

1409 4. A hearing may be postponed or continued if the time and place of the
1410 continued hearing is publicly announced at the time of the
1411 adjournment or notice is given to all parties of record [[as required for
1412 the original application]] a minimum of 10 days before the next
1413 scheduled hearing date.

1414 * * *

1415 **F. Resolution Notice**

1416 1. The deciding body or its designee must [[provide]] issue notice of the
1417 approved resolution or opinion to [[all parties that were notified of the
1418 hearing]] the applicant and any additional parties of record [[within 10
1419 days after]] on the day a resolution or opinion is issued.

1420 * * *

1421 **H. Website Posting**

1422 * * *

1423 2. [When the Planning Director provides a recommendation report on an
1424 application decided by the Planning Board, the Planning Director
1425 must post the recommendation report on the Planning Board's website
1426 a minimum of 10 days before the Planning Board hearing. In cases
1427 where an application is decided by the Hearing Examiner, the Board
1428 of Appeals, or the District Council, the Planning Director's
1429 recommendation report must be posted on the Planning Board's
1430 website a minimum of 7 days before the Planning Board meeting.]

1431 When the Planning Director provides a recommendation report for the
1432 Planning Board, the report must be posted on the Planning Board’s
1433 website, as indicated in Division 7.2 and Division 7.3.

1434 * * *

1435 **Sec. 29. DIVISION 7.6 is amended as follows:**

1436 **DIVISION 7.6. Special Provisions**

1437 **Section 7.6.1. Board of Appeals**

1438 * * *

1439 **C. Filing of Appeals**

1440 * * *

1441 5. When an administrative appeal is made, the Board of Appeals must
1442 send notice of the hearing [[within 5 days of the request for appeal]] a
1443 minimum of 30 days before the scheduled hearing date to DPS[[,]];
1444 the State Highway Administration[[,]]; the County Board of
1445 Education[[,]]; all abutting and confronting property owners[[,]];
1446 civic, [[renters, and]] homeowners, and renters associations that are
1447 registered with the Planning Department and located within ½
1448 mile[[,]]of the site; any municipality within ½ mile[[,]]; and pre-
1449 submittal attendees [if applicable] who request to be a party of record.
1450 A condominium’s council of unit owners may be notified instead of
1451 the owner and residents of each individual condominium.

1452 * * *

1453 **Sec. 30. DIVISION 7.7 is amended as follows:**

1454 **DIVISION 7.7. Exemptions and Nonconformities**

1455 **Section 7.7.1. Exemptions**

1456 **A. Existing Structure, Site Design, or Use on October 30, 2014**

1457 **1. Structure and Site Design**

1458 A legal structure or site design existing on October 30, 2014 that does
 1459 not meet the zoning standards on or after October 30, 2014 is
 1460 conforming and may be continued, renovated, repaired, or
 1461 reconstructed if the floor area, height, and footprint of the structure
 1462 [[is]] are not increased, except as provided for in Section 7.7.1.C for
 1463 structures in Commercial/Residential, Employment, or Industrial
 1464 zones, or Section 7.7.1.D.5 for structures in Residential Detached
 1465 zones. [[A use located in a building or structure deemed conforming
 1466 under this Section (Section 7.7.1.A.1) may be converted to any
 1467 permitted, limited, or conditional use up to the density limits for the
 1468 use established by the current zoning.]]

1469 * * *

1470 **2. Use**

- 1471 **a.** Except for a Registered Living Unit, any use that was
 1472 conforming or not nonconforming on October 29, 2014 and that
 1473 would otherwise be made nonconforming by the application of
 1474 zoning on October 30, 2014 is conforming, but may not expand.
- 1475 **b.** Any allowed use, up to the density limits established by the
 1476 current zoning, may be located in a building or structure
 1477 deemed conforming under Section 7.7.1.A.1.

1478 **B. Application Approved or Filed for Approval before October 30, 2014**

1479 **1. Application in Progress before October 30, 2014**

1480 Any development plan, schematic development plan, diagrammatic
 1481 plan, concept plan, project plan, sketch plan, preliminary plan, record
 1482 plat, site plan, special exception, variance, or building permit filed or
 1483 approved before October 30, 2014 must be reviewed under the
 1484 standards and procedures of the [[Zoning Ordinance in effect]]

1485 property’s zoning on October 29, 2014, unless an applicant elects to
 1486 be reviewed under the property’s current zoning. Any complete Local
 1487 Map Amendment application submitted to the Hearing Examiner by
 1488 May 1, 2014[[,]] must be reviewed under the standards and
 1489 procedures of the [Zoning Ordinance in effect] property’s zoning on
 1490 October 29, 2014. If the District Council approves such an application
 1491 after October 30, 2014 for a zone that is not retained in Chapter 59,
 1492 then the zoning will automatically convert to the equivalent zone as
 1493 translated under DMA G-956 when the Local Map Amendment is
 1494 approved. The approval of any of these applications or amendments to
 1495 these applications under Section 7.7.1.B.1 will allow the applicant to
 1496 proceed through any other required application or step in the process
 1497 within the time allowed by law or plan approval, under the standards
 1498 and procedures of the Zoning Ordinance in effect on October 29,
 1499 2014. The gross tract area of an application allowed under [[this
 1500 Section (])Section 7.7.1.B.1[)]] may not be increased.

1501 * * *

1502 **3. [Plan] Amendment of an Approved Plan [for Plans Approved] or**
 1503 **Modification of an Application Pending before October 30[,], 2014**

1504 a. Until October 30, 2039, an applicant may apply to amend any
 1505 previously approved [application] plan or modify an application
 1506 pending before October 30, 2014 (listed in Section 7.7.1.B.1 or
 1507 Section 7.7.1.B.2)[,] under the development standards and
 1508 procedures of the property’s zoning on October 29, 2014, if the
 1509 amendment:

1510 i. does not increase the approved density or building height,
 1511 unless allowed under Section 7.7.1.C; and

- 1512 ii. either:
- 1513 (a) retains at least the approved setback from property
- 1514 in a Residential Detached zone that is vacant or
- 1515 improved with a Single-Unit Living use; or
- 1516 (b) satisfies the setback required by its zoning on the
- 1517 date the amendment or the permit is submitted[.];
- 1518 and
- 1519 iii. does not increase the [[gross]] tract area.
- 1520 b. An applicant may apply [[for a minor site plan amendment]] to
- 1521 amend the parking requirements of a previously approved
- 1522 application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner
- 1523 that satisfies the parking requirements of Section 6.2.3 and
- 1524 Section 6.2.4.

1525 * * *

1526 **5. Development with a Development Plan or Schematic Development**

1527 **Plan Approved before October 30, 2014**

- 1528 a. Any development allowed on property where the zoning
- 1529 classification on October 29, 2014 was the result of a Local
- 1530 Map Amendment must satisfy any binding elements until:
- 1531 i. the property is subject to a Sectional Map Amendment
- 1532 that implements a master plan approved after October 30,
- 1533 2014 and obtains approval for development under the
- 1534 SMA-approved zoning;
- 1535 ii. the property is rezoned by Local Map Amendment; or
- 1536 iii. the binding element is revised by a development plan
- 1537 amendment under the procedures in effect on October 29,
- 1538 2014.

1539

* * *

1540 **C. Expansion of Floor Area [Existing on October 30, 2014]**1541 **1. Limited Rights under Zoning before October 30, 2014**

1542 Until October 30, 2039, on land that is located in a
 1543 Commercial/Residential, Employment, or Industrial zone, an
 1544 applicant for an amendment to an existing approval or development,
 1545 or a modification of an application listed in Section 7.7.1.B.1 may
 1546 increase the floor area on the site under Section 7.7.1.C.2 or 7.7.1.C.3
 1547 following the procedures and standards of the property's zoning on
 1548 October 29, 2014:

1549 * * *

1550 **2. [All Prior] Commercial/Residential, Employment, and Industrial**
 1551 **Zones**

1552 Existing development in a Commercial/Residential, Employment, or
 1553 Industrial zone may expand by up to the lesser of 10% of the gross
 1554 floor area approved for the site on October 30, 2014 or 30,000 square
 1555 feet, except for properties with 2,000 square feet or less of floor area,
 1556 which may expand by up to 30% of the gross floor area approved for
 1557 the site on October 30, 2014. Any expansion must satisfy Section
 1558 7.7.1.C.1. The gross floor area in a pending application listed in
 1559 Section 7.7.1.B.1 may be expanded up to the full amount allowed
 1560 under the property's zoning on October 29, 2014, but once the
 1561 application is approved, the gross floor area may expand by up to the
 1562 lesser of 10% of the gross floor area or 30,000 square feet.

1563 * * *

1564 **4. Expansion above Section 7.7.1.C.2**

1565 [Any] If any [[portion of an enlargement]] expansion [that] exceeds
 1566 Section 7.7.1.C.2, then the entire [[enlargement]] expansion must
 1567 satisfy the applicable standards and procedures for the current zoning.
 1568 After October 30, 2039, any amendment to a previously approved
 1569 application must satisfy the applicable standards and procedures for
 1570 the current zoning to the extent of (a) any expansion, and (b) any other
 1571 portion of an approved development [that the amendment changes]
 1572 associated with the expansion.

1573 **D. Residential Lots and Parcels**

1574 **1. Residential Lot**

1575 Unless adjoining lots have merged by virtue of ownership and zoning
 1576 requirements, DPS may issue a building permit for a detached house
 1577 on any Residential or Rural Residential zoned lot or parcel identified
 1578 either on a plat recorded before October 30, 2014 or a deed recorded
 1579 before June 1, 1958, without regard to the street frontage and lot size
 1580 requirements of its zoning, except as provided in Section 7.7.1.D.3.b.

1581 * * *

1582 **6. Exempted Lots and Parcels in the RE-2, RE-2C, and RE-1 [Zone]**
 1583 **Zones**

- 1584 a. A lot or parcel in the RE-2, RE-2C, or RE-1 zone, in addition to
 1585 other exemptions in this subsection, is exempt from the lot area
 1586 and [[dimension]] lot width requirements of its zone, but must
 1587 satisfy the requirements of the zone applicable to it before its
 1588 classification to the RE-2, RE-2C, or RE-1 zone if:
- 1589 i. the record lot was approved for recordation by the
 1590 Planning Board before the approval date of the most

1591 recent Sectional Map Amendment that included the lot;
 1592 or
 1593 ii. the lot was created by deed on or before the earlier of
 1594 either the approval date of the most recent Sectional Map
 1595 Amendment that included the lot or October 30, 2014.

1596 b. A lot or parcel in the RE-2C zone, in addition to other
 1597 exemptions in this subsection, is exempt from the area and
 1598 dimension requirements of the RE-2C zone, but must satisfy the
 1599 requirements of the zone applicable to it before its classification
 1600 to the RE-2C zone if:

1601 [a] i. the property owner held title to the property before
 1602 March 17, 1982;

1603 [b] ii. a reduced lot size is required for a lot created for a
 1604 detached house;

1605 [c] iii. the child of the property owner, or the spouse of a child,
 1606 or the parents of the property owner will reside in the
 1607 house on the additional lot; and

1608 [d] iv. the overall density of the tract owned on March 17, 1982
 1609 is 1.1 units per acre or lower.

1610 **7. Exempted Lots and Parcels in the Rural Zone**

1611 a. A lot or parcel in the Rural zone, in addition to other
 1612 exemptions in this subsection, is exempt from the lot area and
 1613 ~~[[dimension]]~~ lot width requirements of the Rural zone, but
 1614 must satisfy the requirements of the zone applicable to it before
 1615 its classification to the Rural zone if:

1616 ~~[[a]]~~ i. the property owner can establish that the owner had legal
 1617 title on or before June 4, 1974;

1671 A lot or [[a]] parcel in the Agricultural Reserve (AR) zone, in addition
1672 to other exemptions in this subsection, is exempt from the minimum
1673 lot area requirements and [[dimension]] lot width requirements of the
1674 AR zone, but must satisfy the requirements of the zone applicable to it
1675 before its classification to the AR zone if:

- 1676 a. the lot or parcel was created [[by deed executed]] before [[the
- 1677 approval date of the most recent Sectional Map Amendment
- 1678 that initially zoned the property to the RDT zone]] January 6,
- 1679 1981; or
- 1680 b. the [[record]] recorded lot has an area of less than 5 acres and
- 1681 was created after [[the approval date of the Sectional Map
- 1682 Amendment that initially zoned the property to the RDT zone,]]
- 1683 January 6, 1981 by replatting 2 or more lots, provided that the
- 1684 resulting number of lots is not greater than the number of lots
- 1685 that were replatted.

1686 * * *

1687 **Sec. 31. DIVISION 8.1 is amended as follows:**

1688 **Division 8.1. In General**

1689 **Section 8.1.1. Applicability**

1690 The zones in Article 59-8 were applied by Local Map Amendment before this
1691 Zoning Ordinance was adopted. These zones may appear on the digital zoning
1692 map, but they cannot be requested by any property owner under a Local Map
1693 Amendment or confirmed or applied to any [additional] property under a Sectional
1694 Map Amendment adopted after October 30, 2014.

1695 * * *

1696 **Section 8.1.2. Modification of Zones**

1697 **A. Amending a Development Plan**

1698 An amendment to an approved development plan or schematic development
1699 plan in any zone in Article 59-8 must follow:

- 1700 1. the procedures for amendment of a development plan under the
- 1701 zoning ordinance in effect on October 29, 2014;
- 1702 2. the parking, queuing, and loading standards in Division 6.2; and
- 1703 3. the signage standards in Division 6.7.

1704 Division 7.7 does not apply to the zones in Article 59-8.

1705 * * *

1706 **Sec. 32. DIVISION 8.2 is amended as follows:**

1707 **Division 8.2. Residential Floating Zones**

1708 * * *

1709 **Section 8.2.4. RT Zone General Requirements and Development Standards**

1710 **A. RT Zone, In General**

1711 **1. Combined Tracts**

1712 A tract in the RT zone may be combined with a tract in another
1713 Residential zone, with site plan approval under Section 7.3.4, if:

1714 * * *

- 1715 c. the amount of [common open space] green area in the combined
- 1716 tract is, at a minimum, the total required for the separate tracts;

1717 * * *

1718 **B. RT Zone Standard Method**

1. Tract and Density	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0
* * *					
[Open Space] <u>Green Area (min)</u>					
[Common open space] <u>Green Area</u> (% of tract)	50%	50%	50%	50%	30%

* * *					
-------	--	--	--	--	--

1719 **C. RT Zone Development Including MPDUs**

1720 * * *

1721 **1. Development Standards**

1722 a. The development standards in Section 8.2.4.B may be modified
1723 as follows:

	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0
[Open Space] Green Area (min)					
[Common open space] Green Area (% of tract)	45%	45%	45%	45%	30%
* * *					

1724 **Section 8.2.5. R-H Zone General Requirements and Development Standards**

1725 * * *

1726 **B. R-H Zone Standard Method Development Standards**

1. Lot	R-H
* * *	
[Common Open Space] Green Area (min)	
[Common open space] Green Area (% of lot)	55%
* * *	

1727 **C. R-H Zone Special Regulations for a Development with MPDUs**

1728 * * *

1729 1. The [common open space] green area may be reduced to a minimum
1730 of 35%, if required to accommodate the construction of all workforce
1731 housing units on-site.

1732 * * *

1733 **Sec. 33. DIVISION 8.3 is amended as follows:**

1734 **Division 8.3. Planned Unit Development Zones**

1735 * * *

1736 **Section 8.3.2. PD Zone**

1737 * * *

1738 **C. Development Standards**

1739 1. The maximum density allowed, and minimum [open space] green area
1740 required for the PD zone, are indicated in the following table:

Density Category	Maximum Density (Dwelling Units per Acre)	[Open Space] <u>Green Area</u> (Percent of Gross Area)
* * *		
Specification for [Open Space] <u>Green Area</u>		
[In residential areas, common open space is required. In commercial areas, public open space is required. Open space] <u>Green area</u> may be reduced to 35% for “Medium High” and “High” densities and to 20% for “Urban High” densities to allow the construction of all workforce housing units on site.		

1741 * * *

1742 **Section 8.3.5. Planned Retirement Community Zone**

1743 * * *

1744 **C. Development Standards**

1745 * * *

1746 **4. Coverage and [Common Open Space] Green Area**

- 1747 a. In a development of 750 acres or more:
 - 1748 i. a maximum of 15% of the gross area may be covered by
 - 1749 residential buildings; and
 - 1750 ii. a minimum of 65% of the gross area must be devoted to
 - 1751 [common open space] green area.

1752 b. In a development of less than 750 acres, a minimum of 50% of
1753 the gross area must be devoted to [common open space] green
1754 area.

1755 * * *

1756 **Section 8.3.6. Planned Cultural Center Zone**

1757 * * *

1758 **C. Development Standards**

1759 * * *

1760 **2. Coverage and [Public Open Space] Green Area**

1761 * * *

1762 b. A minimum of 30% of the total site area included in the
1763 development plan must be maintained as [public open space]
1764 green area; however, the District Council may reduce this
1765 requirement if it finds that comparable amenities or facilities
1766 provided in lieu of [open space] green area are sufficient to
1767 accomplish the purposes of the zone and would be more
1768 beneficial to the proposed development than strict adherence to
1769 the specific [public open space] green area requirements.

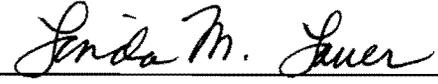
1770 * * *

1771 **Sec. 34. Effective date.** This ordinance becomes effective 20 days after the
1772 date of Council adoption.

1773

1774 This is a correct copy of Council action.

1775

1776 

1777 Linda M. Lauer, Clerk of the Council