

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**

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

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**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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>1. Lot and Density</b>	
* * *	
<b>Coverage (max)</b>	
Lot	10%
<b>Specifications for Coverage</b>	
* * *	
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**

	<b>Cluster Development</b>
	<b>Detached House</b>
* * *	
<b>2. Lot</b>	

		<b>Cluster Development</b>
		<b>Detached House</b>
* * *		
<b>Specification for Coverage</b>		
<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>		
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
* * *		
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>
<b>1. Site</b>				
* * *				
<b>[Specifications] Specification for Site Coverage</b>				
<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>				
<b>2. Lot and Density</b>				
<b>Lot (min)</b>				

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

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
<b>1. Site</b>			
* * *			
<b>Density (max)</b>			
Density, <u>as recommended in the master plan</u> (units/acre of usable area)	1.22		
<b>Open Space (min)</b>			
Rural open space (% of usable area) (See Section 6.3.4)	65%		
Common open space (% of usable area) (See Section 6.3.5)	5%		
<b><u>Specification for Open Space</u></b>			
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>			
<b><u>Site Coverage (max)</u></b>			
Site coverage	n/a	n/a	30%
<b><u>Specification for Site Coverage</u></b>			
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>			
<b>2. Lot</b>			
<b>Dimensions (min)</b>			
Lot area	4,000 SF	3,500 SF	[1,500] <u>1,200</u> SF
* * *			
<b>Coverage (max)</b>			
Lot	35%	35%	[50%] <u>n/a</u>
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
* * *			
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**

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

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

557

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

559 \* \* \*

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

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>1. Lot and Density</b>	
<b>Lot (min)</b>	
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>
<b>Specification for Lot</b>	
* * *	

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
<b>1. Site</b>				
* * *				
<b>Specification for Site under Cluster Development</b>				
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"> <li>i. the subject property is recommended for cluster development in a master plan; or [if]</li> <li>ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or</li> <li>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></li> </ul>				
<b>Density (max)</b>				
Density (units/acre of usable area)	0.48			0.4
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	5%			5%
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	40%	n/a

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Specification for [[Open Space and]] Site Coverage</b>				
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>				
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
Lot area	12,000 SF	7,500 SF	[1,500] 1,200 SF	15,000 SF
* * *				
<b>Coverage (max)</b>				
Lot	35%	35%	[50%] n/a	[15] 25%
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
* * *				
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>1. Lot and Density</b>	
<b>Lot (min)</b>	
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>
<b>Specification for Lot</b>	
* * *	

581 \* \* \*

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

583

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>1. Site</b>				
* * *				
<b>Specification for Site under Cluster Development</b>				
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"> <li>i. the subject property is recommended for cluster development in a master plan; or [if]</li> <li>ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or</li> <li>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.</li> </ul>				
<b>Density (max)</b>				
Density (units/acre of usable area)		1.22		1
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)		10%		10%
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	40%	n/a
<b>Specification for [[Open Space and]] Site Coverage</b>				
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.				
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
Lot area	9,000 SF	4,500 SF	[1,500] 1,200 SF	12,000 SF

* * *				
<b>Coverage (max)</b>				
Lot	35%	35%	[50%] n/a	15%
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
* * *				
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>1. Lot and Density</b>	
<b>Lot (min)</b>	
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>
<b>Density (max)</b>	
* * *	

587

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

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>1. Site</b>				
* * *				
<b>Specification for Site under Cluster Development</b>				
<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> <p><u>i.</u> the subject property is recommended for cluster development in a master plan; or [if]</p> <p><u>ii.</u> it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or</p> <p><u>iii.</u> <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></p>				
<b>Density (max)</b>				
Density (units/acre of usable area)	2.44			2
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	20%			20%
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	40%	n/a
<b>Specification for [[Open Space and]] Site Coverage</b>				
<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>				
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
Lot area	6,000 SF	3,000 SF	[1,200] 1,000 SF	9,000 SF
* * *				
<b>Coverage (max)</b>				
Lot	35%	35%	[50%] n/a	25%
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
* * *				

Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
<b>Accessory Structure Setbacks (min)</b>				
* * *				
<b>[Specifications] Specification for Accessory Structure Setbacks under Cluster Development</b>				
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>1. Lot and Density</b>	
<b>Lot (min)</b>	
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>
<b>Density (max)</b>	
* * *	
<b>3. Height</b>	
<b>Height (max)</b>	
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
<b>1. Site</b>						
* * *						
<b>Open Space (min)</b>						
Common open space (% of usable area) (See Section 6.3.5)	[30%] <u>15%</u>			[30%] <u>15%</u>		
<b>Site Coverage (max)</b>						
Site coverage	n/a	n/a	40%	n/a	n/a	40%
<b>Specification for [[Open Space and]] Site Coverage</b>						
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.						
<b>2. Lot</b>						
<b>Dimensions (min)</b>						
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
* * *						
<b>Coverage (max)</b>						
Lot	50%	50%	[60%] <u>n/a</u>	30%	30%	[75%] <u>n/a</u>
<b>3. Placement</b>						
<b>Principal Building Setbacks (min)</b>						
* * *						
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>1. Lot and Density</b>	
<b>Lot (min)</b>	
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>
<b>Density (max)</b>	
* * *	
<b>3. Height</b>	
<b>Height (max)</b>	
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
<b>1. Site</b>						
* * *						
<b>Specification for Site under Cluster Development</b>						
<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"> <li>i. the subject property is recommended for cluster development in a master plan; or [if]</li> <li>ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or</li> <li>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.</li> </ul>						
<b>Density (max)</b>						
Density (units/acre of usable area)	6.1			5		
<b>Open Space (min)</b>						
Common open space (% of usable area) (See Section 6.3.5)	[40%] <u>20%</u>			[40%] <u>20%</u>		
<b>Site Coverage (max)</b>						
Site coverage	n/a	n/a	40%	n/a	n/a	40%
<b>Specification for [[Open Space and]] Site Coverage</b>						
<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>						
<b>2. Lot</b>						
<b>Dimensions (min)</b>						
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
* * *						
<b>Coverage (max)</b>						
Lot	60%	60%	[60%] <u>n/a</u>	35%	35%	[75%] <u>n/a</u>
<b>3. Placement</b>						
<b>Principal Building Setbacks (min)</b>						

* * *						
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>
* * *			
<b>2. Lot and Density</b>			
<b>Lot (min)</b>			
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>		
<b>Density (max)</b>			
* * *			
<b>4. Height</b>			
<b>Height (max)</b>			
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
<b>1. Site</b>			
* * *			
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	[40%] 20%		
<b>Site Coverage (max)</b>			
Site coverage	n/a	n/a	40%
<b>Specification for [[Open Space and]] Site Coverage</b>			
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.			
<b>2. Lot</b>			
<b>Dimensions (min)</b>			
Lot area	3,000 SF	1,500 SF	[1,200 SF] n/a
* * *			
<b>Coverage (max)</b>			
Lot	60%	60%	[60%] n/a
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
* * *			

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

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>
<b>1. Site</b>				
* * *				
<b>Open Space (min)</b>				
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[50] <u>25%</u>
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
<b>[Specifications] Specification for Open Space and Site Coverage</b>				
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.				
<b>2. Lot and Density</b>				
<b>Lot (min)</b>				
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

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

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>
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
<b>1. Site</b>			
<b>Dimensions (min)</b>			
Usable area	[20,038] 20,000 SF		
<b>Density (max)</b>			
Density (units/acre of usable area)	9.76		
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	[45] 20%		
<b>Site Coverage (max)</b>			
Site coverage	n/a	n/a	40%
<b>Specification for [[Open Space and]] Site Coverage</b>			
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>			
<b>2. Lot</b>			
* * *			

<b>Coverage (max)</b>			
Lot	60%	60%	[60%] <u>n/a</u>
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
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']
<b>Accessory Structure Setbacks (min)</b>			
* * *			
<b>[Coverage (max)]</b>			
[Lot]	[60%]	[60%]	[60%]
* * *			

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

610 \* \* \*

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

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

Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[45] <u>20%</u>
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
<b>[Specifications] <u>Specification</u> for Open Space and Site Coverage</b>				
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.				
<b>2. Lot and Density</b>				
<b>Lot (min)</b>				
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>			
<b>Density (max)</b>				
* * *				
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
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'
<b>Accessory Structure Setbacks (min)</b>				
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
<b>1. Site</b>			
<b>Dimensions (min)</b>			
Usable area	[20,038] 20,000 SF		
<b>Density (max)</b>			
Density (units/acre of usable area)	15.25		
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	[45] 20%		
<b>Site Coverage (max)</b>			

	MPDU Development		
	Detached House	Duplex	Townhouse
Site coverage	n/a	n/a	40%
<b>Specification for [[Open Space and]] Site Coverage</b>			
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.			
<b>2. Lot</b>			
<b>Dimensions (min)</b>			
* * *			
<b>Coverage (max)</b>			
Lot	60%	60%	[60%] n/a
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
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
<b>1. Site</b>				

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>
* * *				
<b>Open Space (min)</b>				
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[40] <u>20%</u>
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
<b>[Specifications] <u>Specification for [[Open Space and]] Site Coverage</u></b>				
a. In development with a townhouse building type, <u>[[open space and]] site coverage [[are]] is</u> calculated based on the area of the site minus any area for detached house and duplex lots.				
<b>2. Lot and Density</b>				
<b>Lot (min)</b>				
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>			
<b>Density (max)</b>				
* * *				
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
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>

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>
* * *				
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'
<b>Accessory Structure Setbacks (min)</b>				
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

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

	MPDU Development		
	Detached House	Duplex	Townhouse
Common open space (% of usable area) (See Section 6.3.5)	[30] <u>15%</u>		
<b>Site Coverage (max)</b>			
Site coverage	n/a	n/a	<u>40%</u>
<b>Specification for [[Open Space and]] Site Coverage</b>			
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>			
<b>2. Lot</b>			
<b>Dimensions (min)</b>			
* * *			
<b>Coverage (max)</b>			
Lot	75%	75%	[75%] <u>n/a</u>
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
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**

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>	<b>Apartment</b>
<b>1. Site</b>					
* * *					
<b>Open Space (min)</b>					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[65]35%	[65]50%
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	[18]25%	18%
<b>[Specifications] Specification for [[Open Space and]] Site Coverage</b>					
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.					
<b>2. Lot and Density</b>					
<b>Lot (min)</b>					
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>				
<b>Density (max)</b>					
* * *					
<b>3. Placement</b>					
<b>Principal Building Setbacks (min)</b>					

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>	<b>Apartment</b>
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'
* * *					
<b>Accessory Structure Setbacks (min)</b>					
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

	<b>MPDU Development</b>			
	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>	<b>Apartment</b>
<b>1. Site</b>				
<b>Dimensions (min)</b>				
Usable area	[11,761] <u>11,700</u> SF			
<b>Density (max)</b>				
Density (units/acre of usable area)	17.69			
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	[35] <u>25%</u>			
<b>Site Coverage (max)</b>				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>30%</u>	<u>18%</u>
<b>Specification for <u>[[Open Space and]] Site Coverage</u></b>				
<b>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></b>				
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
* * *				
<b>Coverage (max)</b>				
Lot	75%	75%	[75%] <u>n/a</u>	[18%] <u>n/a</u>
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
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
<b>1. Site</b>					
* * *					
<b>Open Space (min)</b>					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[60]30%	[60]45%
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	[18]25%	18%
<b>[Specifications] Specification for Open Space and Site Coverage</b>					
* * *					
<b>2. Lot and Density</b>					
<b>Lot (min)</b>					
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

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>	<b>Apartment</b>
<u>Frontage on street or open space</u>	<u>Required</u>				
<b>Density (max)</b>					
<b>3. Placement</b>					
<b>Principal Building Setbacks (min)</b>					
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'
* * *					
<b>Accessory Structure Setbacks (min)</b>					
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
<b>1. Site</b>				
<b>Dimensions (min)</b>				
Usable area	[15,682] 15,600 SF			
<b>Density (max)</b>				
Density (units/acre of usable area)	26.47			
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	[35]25%			
<b>Site Coverage (max)</b>				
Site coverage	n/a	n/a	30%	18%
<b>Specification for [[Open Space and]] Site Coverage</b>				
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.				
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
* * *				
<b>Coverage (max)</b>				
Lot	75%	75%	[75%] n/a	[18%] n/a
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
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
<b>1. Site</b>					
* * *					
<b>Open Space (min)</b>					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[50]30%	[50]40%
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	[12]20%	12%
<b>[Specifications] Specification for Open Space and Site Coverage</b>					
* * *					
<b>2. Lot and Density</b>					
<b>Lot (min)</b>					
Lot area	2,000 SF	1,000 SF	2,000 SF	800 SF	20,000 SF

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>	<b>Apartment</b>
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>				
<b>Density (max)</b>					
* * *					
<b>3. Placement</b>					
<b>Principal Building Setbacks (min)</b>					
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'
* * *					
<b>Accessory Structure Setbacks (min)</b>					

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b>Townhouse</b>	<b>Apartment</b>
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'
* * *					
<b>5. Form</b>					
* * *					
<b>Building Orientation</b>					
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

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

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	[35] <u>25%</u>			
<b>Site Coverage (max)</b>				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>25%</u>	<u>12%</u>
<b>Specification for <u>[[Open Space and]] Site Coverage</u></b>				
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.				
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
* * *				
<b>Coverage (max)</b>				
Lot	75%	75%	[75%] <u>n/a</u>	[12%] <u>n/a</u>
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
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**

	<b>Detached House</b>	<b>Duplex – Side</b>	<b>Duplex – Over</b>	<b>* * *</b>
<b>1. Site</b>				
<b>Open Space (min)</b>				

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:

<b>Zone</b>	<b>Total Density (max)</b>
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**

	<b>Detached House</b>	<b>Duplex – [Side] [[Over]] <u>Side</u></b>	<b>Duplex – [Over] [[Side]] <u>Over</u></b>	<b>Townhouse</b>	<b>Apartment</b>	<b>Multi Use</b>	<b>General</b>
<b>1. Site</b>							
<b>Open Space (min)</b>							
Open space, [[site]] tract ≤ 10,000 SF	n/a	n/a	n/a	[20] <u>10%</u>	0%	0%	0%
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	[20] <u>10%</u>	10%	10%	10%
<b>Specifications for all Open Space</b>							
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).							
<b>2. Lot and Density</b>							
<b>Lot (min)</b>							
Lot area	1,000 SF	[[1,000]] <u>500 SF</u>	[[500]] <u>1000 SF</u>	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
Lot width at front lot line	10'	[[10']] <u>n/a</u>	[[n/a]] <u>10'</u>	n/a	n/a	n/a	n/a
* * *							
<b>Coverage (max)</b>							
Lot	90%	90%	90%	[90%] <u>n/a</u>	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.							
<b>3. Placement</b>							
* * *							
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

	<b>Detached House</b>	<b>Duplex – [Side] <u>[[Over]] Side</u></b>	<b>Duplex – [Over] <u>[[Side]] Over</u></b>	<b>Town-house</b>	<b>Apart-ment</b>	<b>Multi Use</b>	<b>General</b>
* * *							
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
<b>Accessory Structure Setbacks (min)</b>							
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'
* * *							

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

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

	<b>Detached House</b>	<b>Duplex – [Side] – [[Over]] Side</b>	<b>Duplex – [Over] – [[Side]] Over</b>	<b>Town-house</b>	<b>Apartment</b>	<b>Multi Use</b>	<b>General</b>
Lot	90%	90%	90%	[90%] n/a	n/a	n/a	n/a
<b>3. Placement</b>							
<b>Principal Building Setbacks (min)</b>							
* * *							
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
<b>Accessory Structure Setbacks (min)</b>							
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'
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
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>		
* * *							
<b>Build-to Area (BTA, max setback and min % of [lot width] building facade)</b>							
* * *							
<b>Specification for Parking Setbacks for Surface Parking Lots and Build-to Area</b>							
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>							
* * *							
<b>5. Form</b>							
* * *							
<b>Specification for Building Orientation and Transparency</b>							
<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							
<b>Open Space (min)</b>							
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							

	<b>Detached House</b>	<b>Duplex – [Side] [[Over]] <u>Side</u></b>	<b>Duplex – [Over] [[Side]] <u>Over</u></b>	<b>Town- house</b>	<b>Apart- ment</b>	<b>Multi Use</b>	<b>Genera l</b>
<b>Lot (min)</b>							
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
* * *							
<b>Coverage (max)</b>							
Lot	90%	90%	90%	[90%] <u>n/a</u>	n/a	n/a	n/a
* * *							
<b>3. Placement</b>							
<b>Principal Building Setbacks (min)</b>							
* * *							
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
<b>Accessory Structure Setbacks (min)</b>							
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'
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
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		
* * *							
<b>Build-to Area (BTA, max setback and min % of [lot width] building facade)</b>							
* * *							
<b>Specification for Parking Setbacks for Surface Parking Lots and Build-to Area</b>							
<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							
* * *							
<b>Specification for Building Orientation and Transparency</b>							
<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
<b>1. Site</b>		
<b>Open Space (min)</b>		

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%
<b><u>Specification for Open Space</u></b>		
<b>a.</b> <u>Open space is calculated on the area of the site.</u>		
* * *		

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

	Multi Use	General
<b>1. Site</b>		
<b>Open Space (min)</b>		
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%
<b><u>Specification for Open Space</u></b>		
<b>a.</b> <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
* * *					
<b>CIVIC AND INSTITUTIONAL</b>					
* * *					
Educational Institution (Private)	Student (Grades 9 – 12 or age 16 <sup>+</sup> )	0.25	0.15	0.25	0.25
	Employee	1.00	0.25	0.50	0.50
* * *					
<b>COMMERCIAL</b>					
* * *					
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;

1099                    b.     satisfies the requirements of the zone, use standards under  
1100    Article 59-3, and to the extent the Hearing Examiner finds  
1101    necessary to ensure compatibility, meets applicable general  
1102    requirements under Article 59-6;

1103     \*     \*     \*

1104     **F.     Decision**

1105                    1.     Hearing Examiner

1106     \*     \*     \*

1107                    b.     The Hearing Examiner must ~~[[notify]]~~ issue a notice, on the day  
1108    the report and decision is issued, to the Board of Appeals, the  
1109    applicant, and all parties ~~[[who participated in the hearing]]~~ of  
1110    record that the report and decision ~~[[are]]~~ is complete and  
1111    available for review. If a timely request for oral argument is not  
1112    received under Section 7.3.1.F.1.c, the Hearing Examiner’s  
1113    report and decision becomes the final decision.

1114     \*     \*     \*

1115     **I.     Duration of Approval**

1116     \*     \*     \*

1117                    2.     ~~[[The]]~~ After the decision, the Board of Appeals or the Hearing  
1118    Examiner may extend the time limit for a conditional use to be  
1119    established or obtain a building permit if the evidence of record  
1120    establishes that drawing of architectural plans, preparation of the land,  
1121    or other factors involved in the particular use will delay the start of  
1122    construction or the establishment of the use beyond the period of  
1123    validity. An individual extension must not exceed 12 months. If the  
1124    Board of Appeals or the Hearing Examiner grants an extension, it

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 (I)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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**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
***								
<b>Regulatory Approvals</b>								
***								
Sketch Plan		X	X	<u>X</u>	X	X		X
Site Plan		X	X	<u>X</u>	X	X		X
***								
<b>Amendments to Approvals</b>								
***								
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.

- 1350            b. For a Local Map Amendment, conditional use, or variance  
1351                            application, the sign must be posted within 5 days after an  
1352                            application is accepted.
- 1353            2.    The sign must meet the following specifications:
- 1354                            a. For a sketch plan, site plan, or major site plan amendment  
1355                            application, the applicant must use the sign template provided  
1356                            by the Planning Department.
- 1357                            b. For a Local Map Amendment, conditional use, or variance  
1358                            application, [The] the sign must:
- 1359                                    i. be made of a durable material;  
1360                                    ii. be a minimum of 24 inches tall by 36 inches wide;  
1361                                    iii. have a white or yellow [[in]] background color; and  
1362                                    iv. [[with]] have black lettering and characters at least 2  
1363    inches in height.

- 1364            3.    The sign must include:
- 1365                            [a. the date of filing;]
- 1366                            [b] a. application number and name;
- 1367                            [c] b. requested zone, if a Local Map Amendment;
- 1368                            [d] c. proposed use, density, or structure description, if not a Local  
1369    Map Amendment; and
- 1370                            [e] d. [and] telephone number and website for the applicable intake  
1371    agency.

1372    **D.    Application Notice**

- 1373            1.    When an application is accepted, the applicant must send notice of the  
1374                            application to all abutting and confronting property owners[[,]]; civic,  
1375                            [[renters, and]] homeowners, and renters associations that are  
1376                            registered with the Planning Board and located within 1/2 mile of the

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
* * *					
<b>[Open Space] <u>Green Area (min)</u></b>					
<b>[Common open space] <u>Green Area</u> (% of tract)</b>	50%	50%	50%	50%	30%

* * *					
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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
<b>[Open Space] Green Area (min)</b>					
[Common open space] <u>Green Area</u> (% 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
* * *	
<b>[Common Open Space] Green Area (min)</b>	
[Common open space] <u>Green Area</u> (% 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.

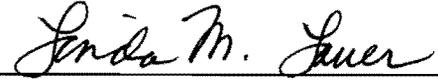
1770 \* \* \*

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