

**MEMORANDUM**

September 17, 2015

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Public Hearing– Zoning Text Amendment 15-09,  
Zoning Rewrite – Revisions, Clarifications, and Corrections

**Background**

ZTA 15-09 was introduced at the request of the Planning Board on May 21, 2015. In its transmittal letter to the Council, the Planning Board noted the following:

The new zoning ordinance was adopted on March 5, 2014 and became effective on October 30, 2014. ZTA 14-09, which addressed initial corrections and clarifications to the zoning ordinance, was adopted on September 30, 2014 and also became effective on October 30, 2014. Since its effective date, widespread use of the new zoning ordinance has revealed text in need of clarification or correction, as well as a few substantive concerns. While a majority of the proposed revisions are minor in nature, some notable modifications to the code are also proposed.

The substantive issues addressed in this ZTA include:

- Revision of the definition of right-of-way and building height.
- Limit the application of the general conditional use standards for an accessory apartment.
- Modification of 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.
- Modifications to the process for amending a site plan.
- Amendment of the noticing standards for projects approved by the Planning Board (sketch plan, site plan, and major site plan amendments).
- Clarification of the provision for expansions above the amount “grandfathered” under a prior zone (typically the lesser of 10% or 30,000 square feet).

The staff report attached to the Planning Board’s transmittal does an excellent job of going through these issues and the less substantive “editorial” corrections and clarifications in ZTA 15-09 (see © 112-130).

## **Issues**

The Council conducted a public hearing on July 14, 2015. The Planning Board submitted additional recommended revisions of the ZTA as introduced in a transmittal letter dated July 13, 2015.

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.

All of the testimony received by the Council is noted in this memorandum in the subject matter discussions. There was one request made in testimony that did not fit into the code sections proposed for amendment by the Planning Board. A representative from MileOne in the Montgomery Auto Park requested a provision to allow automobile sales and related uses in the EOF zone under certain circumstances. The use, as proposed by MileOne, would be prohibited both on tracts over 10 acres and tracts located in a Metro Station Policy Area.

The Zoning Text Amendment Advisers (Advisers) reviewed ZTA 15-09 as introduced. The Advisers recommend that the amendment address unnecessary findings by the Hearing Examiner in conditional use and local map amendment reports, signs that are not visible from any neighboring property, and the variance issue raised by the Board of Appeals. There were a few instances where ZTA 15-09 as introduced would allow a decision maker to require additional noticing from that stated in code. The Advisers recommend against these changes proposed by the Planning Board.

## **Review of substantive changes**

Staff has attempted to identify "substantive" changes proposed in the attached amended ZTA. All issues raised in testimony are noted. A text "clarification" may be considered a substantive change by a party

who would like a different interpretation of the code. With that in mind, the following material describes 21 changes proposed in the attached amended ZTA that may be considered substantive, even in the absence of testimony. **The absence of any staff opinion is intended to convey the absence of an objection to the proposed change.** The following is ordered by code section number.

1) Section 1.4.2

***Bay window***

The Department of Permitting Services wanted to conform the definition of *Bay Window* to their current interpretation. In the absence of the recommended change, it is unclear if all bay windows must be cantilevered. The proposed definition would allow certain bay windows the option of being ground supported. There are additional changes in Sections 4.1.7 and 4.4.1 to limit the coverage exemption for bay windows to 10 feet in width and 3 feet in depth. At some size, what someone may consider a bay window would, by any objective observer, be described as a room addition.

***Right-of-way***

The proposed changes to the definition of *Right-of-Way* would clarify that a private road located in an easement, but not necessarily placed in a separately platted lot or parcel, is also considered a right-of-way. Revising this language ensures that any building located on a private street, whether platted or under easement, is treated as a right-of-way with respect to any applicable development standards. Recent Planning staff work on the rewrite of the Subdivision Regulations motivated this proposed revision when it became evident that requiring separately platted lots or parcels for private roads would make it difficult, if not impossible, to build desirable urban features, such as an underground parking garage, under more than a single building.

2) Section 3.3.3.A.2.c

***Accessory Apartments***

The Planning Board proposed text would limit the scope of the findings the Hearing Examiner must make for an accessory apartment conditional use application when the applicant seeks a deviation from the on-site parking or spacing requirements.<sup>1</sup> While the Hearing Examiner would not make any of the general conditional use findings under Section 7.3.1.E, the Hearing Examiner would still verify that the application satisfied all applicable limited use standards. The Planning Department has received feedback that the scope of the conditional use approval for this type of accessory apartment application is too onerous given that accessory apartments are an important component of the County's affordable housing stock. The Board feels this change is consistent with the general intent of the ZTA that made the review process for an accessory apartment less onerous.

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<sup>1</sup> Where an Accessory Apartment conditional use application is filed under Section 3.3.3.A.2.b, the Accessory Apartment may be permitted by the Hearing Examiner under the limited use standards in Section 3.3.3.A.2.a, Section 3.3.3.B.2, or Section 3.3.3.C.2.a, [and] under Section 7.3.1, Conditional Use (excluding Section 7.3.1.E), and the following standards:

The Hearing Examiner expressed interest in having the adequacy of parking and spacing determined by DHCA for those applications that cannot meet the required standard, with the right to have the Hearing Examiner review an objection to that determination.

#### *Accessory Apartment Activity under the New Code*

The Department of Housing and Community Affairs (DHCA) has received 107 accessory apartment applications since 2014. This is an application rate of approximately 50 per year. Before the Council's changes to the accessory apartment provision in 2014, the Board of Appeals accepted approximately 20 applications per year. There have been 60 new licenses issued since 2014. There are 36 applications still pending for various reasons. Those reasons include the non-payment of the licensing fee.

Of the 107 recent applications, 11 of those were withdrawn for various reasons. The Hearing Examiner received 4 special exception/conditional use applications from DHCA's application process. Two of those were approved and 2 are still pending. In addition to the conditional use applications, the Hearing Examiner resolved 7 "objections" from DHCA decisions.

#### *Testimony*

Representatives from the Action Committee for Transit and the Renter Alliance supported the further liberalization of rules for the approval of accessory dwelling units. The changes for accessory dwelling units were opposed by the Civic Federation and individual residents. In the view of the Civic Federation, changes to the accessory dwelling unit provision should only be undertaken as a separate ZTA. The Federation and others noted the very deliberative process in making changes in 2013 and the requirement for conditional use approval under certain circumstances.

#### *Staff opinion*

This is a substantive change to the accessory apartment approval procedures that goes far afield from a correction or a clarification. It would get more considered time and attention as a separate ZTA.

Staff has no objection to adding the requirement that a detached accessory apartment be at least 5 years old before application. This provision was in the old code.

#### 3) Section 3.5.11

The Planning Board's post introduction recommendation included an expansion of the Retail/Service Establishment use allowed in the R-10 zone from 5,000 square feet to 10,000 square feet. The change was prompted by a request from an existing retail establishment in the Grosvenor Apartments that currently occupies more than 5,000 square feet of space.

### *Testimony*

A representative of the Grosvenor Market recommended approval of the Planning Board suggestion to allow up to 10,000 square feet of retail in the R-10 zone. This was supported by the Grosvenor Park III Condominium Board of Directors .

### *Staff opinion*

This is beyond a clarification or mistake in the code. The issue could be addressed in a separate ZTA. This change was not the subject of any criticism by the public, as the recommendation was made after introduction.

#### 4) Section 4.1.7.C.2.a

At the request of DPS, the Planning Board recommended modifying the definition of *Building Height in Commercial/Residential, Employment, and Industrial Zones* to establish a uniform process for measuring building height on corner lots, regardless of lot size.<sup>2</sup> The ZTA also includes a clarification that building height must always be measured from the curb grade opposite the middle of the front of the building, even if the building is on a corner lot.

### *Testimony*

An attorney who represents development interests, Pat Harris, argued against the changes to the new provision to determine building height limits on a corner lot. She suggested that in practice under the old code, the Planning Board had the ability to request a different measuring point in their review of development applications.<sup>3</sup> Under the proposed provisions, that flexibility would not be in the code.

### *Staff opinion*

The issue for the Council is the amount of flexibility it wishes to delegate for determining the height measuring point (any point along the frontage vs. the mid-point of the building). The Planning Board's recommendation gives some flexibility to the developers, but describes a particular point. (Even with that flexibility, the Board retains the authority to declare the proposed height incompatible with its surroundings in the site plan process. The Planning Board lacks that authority when no site plan is required.) The text proposed by Ms. Harris, whose client has a building height determination that would be changed by the proposed text, is more flexible but less certain. Staff agrees with the Planning Board's changes as submitted.

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<sup>2</sup> Building height is always measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. [On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade.] For a corner lot or a lot extending through from street to street, the height [may] must be measured from [either] the curb grade opposite the middle of the front of a building.

<sup>3</sup> The following is the core of the text suggested with editorial changes:  
On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade, if the site measuring point is identified on the Sketch, Preliminary, and Site Plan, and any plan submitted for a building permit. For a lot extending through from street to street, the height [may] must be measured from either curb grade, if the site measuring point is identified on the Sketch, Preliminary, and Site Plan, and any plan submitted for a building permit.

5) Section 4.1.7.D

As proposed by the Planning Board, entrance spacing would be defined as the maximum distance between entrances. One entrance must be provided for a specified length of building façade fronting a street or open space, as indicated in Division 4.5 and Division 4.6. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

6) Section 4.3.5; Sections 4.4.1 through 4.4.15; Section 4.5.3; and Section 4.6.3

The minimum lot area, open space, and lot cover for townhouses are proposed for revision by the Planning Board. In the opinion of the Planning Board, the standards in the current code are unworkable for building townhouses. The “open space” requirements failed to recognize the new public attributes of such space in the new code. In the opinion of the Planning Board, the proposed revision will appropriately address the need for private green area and appropriate minimum lot sizes. At higher density, smaller minimum lot sizes would be allowed.

Although these changes are substantial (and required the bulk of the pages in ZTA 15-09 due to their table format), there was no testimony on these changes.

7) Section 4.6.3.D.3; Section 4.6.3.D.5; Section 4.6.3.E.3; and Section 4.6.3.E.5

The proposed changes to these sections would modify language in the placement and form specifications for the LSC and EOF zones under the standard method development. Similar to ZTA 15-05, the amended language would allow the Planning Board flexibility to modify some of the form standards—in this instance the *Parking Setbacks for Surface Parking Lots*, *Build-to Area*, *Building Orientation*, and *Transparency* requirements—under site plan review, provided certain findings can be made.

*Testimony*

Stacy Silber recommended revisions to parking placement for standard method projects.<sup>4</sup> This was also recommended by the Duffie Companies.<sup>5</sup> The Duffie Company also recommended deleting the requirement for a building to occupy a minimum percentage of lot width required by Section 4.5.3.C.3.

*Staff Opinion*

This issue was decided by the Council when it approved ZTA 15-05. ZTA 15-09 applies that decision to other zones. The Planning Board Chair recommended against reconsidering this issue. Staff recommends against what would be a reconsideration of ZTA 15-05, particularly changing CR and CRT zone standards.

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<sup>4</sup> This issue was decided by the Council when it approved ZTA 15-05. ZTA 15-09 applies that decision to other zones. The Planning Board Chair recommended against reconsidering this issue.

<sup>5</sup> They recommended deleting 4.1.7.B.2.b, which then allows parking in the build-to area.

8) Section 4.7.3

The Planning Board recommended clarifying the fact that public benefit points for proximity to a transit stop may only be granted to any one applicant for one transit stop.

9) Section 5.3.1; Section 5.4.1; and Section 5.5.1

The proposed change would limit the density classification in C/R, Employment, and Industrial Floating zones to increments of .25 FAR and height to increments of 5 feet. This would be the same as the increments recommended for the Euclidean zones.

10) Section 6.2.4

The proposed change clarifies that a fraction of the metric used to determine parking (1,000 square feet of office) still may have a minimum amount of parking required. It would also correct an inadvertent change made for parking for Life Science land uses and requires notice of parking waivers.

11) Section 6.4.3

The proposed change deletes the 4 foot limit on the height of fences in a residential front yard. The restriction does not make sense in large lot zones or where there are large setbacks.

12) Section 6.7.4

The Zoning Text Amendment Advisers recommend revising the provision for prohibited signs. Signs that are not visible from a property line are exempt from a permit under another provision, but they should also not be prohibited. The issue was raised by Parking District Staff who want to undertake a program for interior advertising. In the absence of this proposed provision, such signs would be prohibited as an off-site sign. The proposed revision also clarifies that the sign provisions do not change the Department of Transportation's jurisdiction to regulate and remove signs in the right-of-way.

13) Section 6.8.1

The proposed revision would add "use characteristic" as a reason to allow alternative compliance. This would be a generalized application of the Council's decision in ZTA 15-05 when something like a grocery store is proposed.

14) Section 7.2

Currently, the Hearing Examiner must find that an application for a local map amendment meets the "requirements of this Chapter" without qualification. The result is an unnecessarily long investigation and report. The Zoning Text Amendment Advisers recommend revising the provision to say the application, to the extent the Hearing Examiner finds necessary to ensure compatibility, meets other applicable requirements beyond the intent and standards of the proposed zone.

15) Section 7.3.2

The Board of Appeals requested a revision to require DPS to provide a letter denying a building permit application before the Board accepts an application for a variance. The Zoning Text Amendment Advisers, which includes a DPS representative, also recommended this change.

16) Section 7.3.4.J

The Planning Board recommends modifying the site plan amendment text to make it more consistent with the prior zoning code. The new zoning code introduced a process for amending a site plan that was found to be both inefficient and overly burdensome once implemented. The recommendation more clearly defines the major and minor amendment process, including a timeline for minor amendments.

17) Division 7.5. Notice Standards

***Section 7.5.1; Section 7.5.2.D; Section 7.5.2.E.1***

For sketch plan, site plan, and major site plan amendment applications, the proposed provision would add a requirement to the table in Section 7.5.1 that requires an applicant to send out an application notice when the application is accepted (instead of the Planning Board sending out hearing notice when the application is accepted). The proposed revision would also modify hearing notice requirements so that the Planning Board must send notice 10 days before the scheduled hearing.

The Planning Department found that application noticing by the applicant, which was the practice under the old code, is more efficient than the procedure in the new code. The new code requires the Planning Department to send out hearing notice when the application is accepted. Although the Planning Department is working toward a 120 day review period, a 30 day extension can be approved by the Director based on the circumstances of the case, and longer extensions can be granted by the Board. Any change from the original date would have to be re-noticed, and this could be both frustrating and confusing to the public. In addition, Section 7.5.2.D.2 includes a clarification that application noticing for amendments should include a summary of the proposed amendment. Section 7.5.2.D and Section 7.5.2.E have also been modified to include renters' associations in the list of associations receiving notice.

The Planning Board also recommended adding a provision to allow the deciding body to require additional application notice according to approved rules of procedure. For purposes of transparency, the Planning Board recommended the option to require that application notice be mailed to homeowner and civic associations located within one mile of the property proposed for redevelopment. To accomplish this objective, the Planning Board recommended text would allow any deciding body the ability to require additional noticing according to its approved rules of procedures.

### *Staff Opinion*

The Advisers recommended against this additional discretion for a deciding body to additionally burden an applicant. If the Council wants to require notice of associations within a mile of large lot zone applications, it may do so in the text of the code.

### *Section 7.5.2.C*

For sketch plan, site plan, and a major site plan amendment, the Planning Board recommended revisions would add a requirement that the application sign be posted *before* an application is accepted, and require that the applicant use the sign template provided by the Planning Department. The Planning Board also recommended removing the requirement that the application sign include the date of filing, because the sign must be posted before the date of filing for sketch plans, site plans, and major site plan amendments.

### 18) Sections 7.7.1.A and 7.7.1.B

The Planning Board proposed a clarifying change to say, “A use located in a building or structure deemed conforming under this Section (Section 7.7.1.A.1) may be converted to any permitted, limited, or conditional use up to the density limits for the use established by the current zoning.” This provision, which some might say goes without saying, is—in the opinion of the Advisers—best placed in subsection B, which concerns uses, and not in the section that refers to buildings.

### *Testimony*

The Civic Federation recommended revising the grandfathering provision so that a grandfathered applicant is only exempted from changes made by the Zoning Rewrite but not from later changes in the code.<sup>6</sup> The second recommended change by the Civic Federation would limit the meaning of the review process to exclude judicial reviews.<sup>7</sup>

### *Staff Opinion*

Staff recommended a significantly shorter grandfathering provision than the 25 year provision approved by Council for those issues changed by Council action. The Civic Federation recommended provisions would effectively shorten the grandfathered period. All individual ZTAs would apply to any subsequent approval. The law would allow the Council to make the change recommended by the Civic Federation. Zoning rules may change and apply any time the project has not vested its rights. Vesting in Maryland requires footings in the ground under a validly issued building permit.

Certainly, the act of grandfathering in the new code is to avoid unintended consequences. With prospective ZTAs, there are intended consequences. As an advocate for the retention of Council

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<sup>6</sup> Add to Section 7.7: “This provision does not apply to changes to the code made after XX date.”

<sup>7</sup> Add to 7.7.1.B.1: “For the purpose of this section, the term ‘reviewed’ means the completion of all steps provided in the zoning code for review, processing and approval by the relevant County agency or body, for final approval or denial of the plan, special exception, variance, building permit, or Local Map Amendment, but must not include any proceedings for judicial review of such final approval or denial or any subsequent proceeding before the County following any determination by the courts in such proceeding for judicial review.”

authority, Staff recommends changing the grandfathering provision to allow new ZTAs to apply to prior approvals. It is a question of policy for the Council.

19) Section 7.7.1.C.4

The Planning Board proposed draft would modify the grandfathering language regarding expansions of buildings in Commercial/Residential, Employment, or Industrial zones that existed or were approved before October 30, 2014. If an applicant wishes to exceed the expansion threshold under Section 7.7.1.C.2 (typically the lesser of 10% of the gross floor area approved for the site, or 30,000 square feet), then any new development, including the “grandfathered” amount, must meet the standards of the existing zone. This modification will make the application, review, and approval process for the expansion more straightforward for all stakeholders. As currently drafted, only the expansion above the grandfathered amount is required to meet the standards of the current zone thus requiring the application of two zoning ordinances for one expansion.

20) Section 7.7.1.D

The Planning Board recommended reviving previously allowed exemptions in the RE-1, RE-2, Rural, Rural Cluster, and AR zones. The Planning Board’s recommended expansion of grandfathering provisions was supported by public testimony.

21) Division 8.2

The Planning Board recommend changing the references to “open space” in all retained zones to “green area”. The new code has degrees of public access for open space, which is different from green area.

| <u>This Packet Contains</u>     | <u>© number</u> |
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| Planning Board Recommendation   | 133 – 134       |

Zoning Text Amendment No.: 15-09  
Concerning: Zoning Rewrite –  
Revisions, Clarifications,  
and Corrections  
Draft No. & Date: 3 – 9/17/15  
Introduced: May 21, 2015  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**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 that is effective October 30, 2014 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”    |
| DIVISION 3.3.  | “RESIDENTIAL USES”                   |
| Section 3.3.1. | “Household Living”                   |
| Section 3.3.2. | “Group Living”                       |
| Section 3.3.3. | “Accessory Residential Uses”         |

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|------------------------|--|
| <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”                            |
| 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 4.5.3.</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”                         |

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|-----------------------|---|
| Section 4.9.14.       | “Takoma Park/East Silver Spring Commercial Revitalization (TPESS) 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.*

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

63           **Division 3.3. Residential Uses**

64           **Section 3.3.1. Household Living**

65           \*    \*    \*

66           **D.    Townhouse Living**

67           \*    \*    \*

68           **2.    Use Standards**

69           \*    \*    \*

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

73           \*    \*    \*

74                    viii. Reducing the number of required parking spaces through  
75                            [alternative compliance under Division 6.8] a parking  
76                            waiver under Section 6.2.10 is prohibited.

77           \*    \*    \*

78           **Section 3.3.2. Group Living**

79 **A. Defined, In General**

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

83 \* \* \*

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

85 \* \* \*

86 **2. Use Standards**

87 \* \* \*

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

93 \* \* \*

94 iv. [Height, density, coverage, and parking standards must  
95 be compatible with surrounding uses and the Hearing  
96 Examiner may modify any standards to maximize the  
97 compatibility of buildings with the residential character  
98 of the surrounding neighborhood.] The maximum  
99 building height of an Independent Living Facility for  
100 Seniors or Persons with Disabilities is 60 feet and the  
101 maximum density is determined by the Hearing  
102 Examiner under the development standards of Section  
103 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix, [[in spite

104 of]] without regard to any other limitation in this  
105 Chapter.

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

115 \* \* \*

116 **Section 3.3.3. Accessory Residential Uses**

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

118 \* \* \*

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

120 \* \* \*

121 c. Where an Accessory Apartment conditional use application is  
122 filed under Section 3.3.3.A.2.b, the Accessory Apartment may  
123 be permitted by the Hearing Examiner under the limited use  
124 standards in Section 3.3.3.A.2.a, Section 3.3.3.B.2, or Section  
125 3.3.3.C.2.a, and under Section 7.3.1, Conditional Use  
126 (excluding Section 7.3.1.E)[,]] and the following standards:

127 \* \* \*

128 **B. Attached Accessory Apartment**

129 \* \* \*

130           **2.    Use Standards**

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

134           a.     A separate entrance is located:

135   \*   \*   \*

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

139   \*   \*   \*

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

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

148   **C.    Detached Accessory Apartment**

149   \*   \*   \*

150           **2.    Use Standards**

151           a.     Where a Detached Accessory Apartment is allowed as a limited  
152                    use, it must satisfy the use standards for all Accessory  
153                    Apartments under Section 3.3.3.A.2 and the following  
154                    standards:

155   \*   \*   \*

- 156                    iv. The detached house associated with the Detached
- 157                    Accessory Apartment must be at least 5 years old on the
- 158                    date of application for a license or a conditional use.
- 159                    b. Where a Detached Accessory Apartment is allowed only as a
- 160                    conditional use, it may be permitted by the Hearing Examiner
- 161                    under all limited use standards and Section 7.3.1, Conditional
- 162                    Use.

163 \* \* \*

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

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

166 \* \* \*

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

168 \* \* \*

169                    **B. Exemptions**

170                    A conditional use is not required for:

- 171                    1. [[The conditional use standards in Section 3.4.5.C.2 do not apply for]]
- 172                    any private educational institution or parochial school that is located
- 173                    in a building or on premises owned or leased by any church or
- 174                    religious organization[[],]; the government of the United States[[],];
- 175                    the State of Maryland or any State agency[[],]; Montgomery County;
- 176                    or any incorporated village or town within Montgomery County. This
- 177                    exemption does not apply to any Educational Institution (Private) that
- 178                    received conditional use approval by the Hearing Examiner to operate
- 179                    in a building or on a property that was not owned or leased by any
- 180                    church or religious organization at the time the decision of the
- 181                    Hearing Examiner was issued.

182 2. ~~[[A conditional use is not required for]]~~ any Educational Institution  
183 (Private) that is located in a building or on land that has been used for  
184 a public school or that is owned or leased by the County; however,  
185 site plan approval is required under Section 7.3.4~~[[,]]~~ for:

186 a. construction of an Educational Institution (Private) on vacant  
187 land owned or leased by the County; or

188 b. any cumulative increase that is greater than 15% or 7,500  
189 square feet, whichever is less, in the gross floor area, as it  
190 existed on February 1, 2000, of an Educational Institution  
191 (Private) located in a building that has been used for a public  
192 school or that is owned or leased by Montgomery County. Site  
193 plan approval is not required for:

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

200 ~~[[ii)]]~~ ii. any portable classroom used by a private  
201 educational institution that is located on property owned  
202 or leased by Montgomery County and that is in place for  
203 less than one year.

204 \* \* \*

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

206 **Division 3.5. Commercial Uses**

207

208 \* \* \*

209 **Section 3.5.1. Animal Services**

210 \* \* \*

211 **B. Animal Boarding and Care**

212 \* \* \*

213 **2. Use Standards**

214 \* \* \*

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

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

220 \* \* \*

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

223 \* \* \*

224 **Section 3.5.2. Communication Facility**

225 \* \* \*

226 **C. Telecommunications Tower**

227 \* \* \*

228 **2. Use Standards**

229 \* \* \*

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

234 \* \* \*

235 ii. A Telecommunications Tower must be set back from the  
236 property line, as measured from the base of the support  
237 structure, as follows:

238 (a) A Telecommunications [Towers] Tower is  
239 prohibited in any scenic setback indicated in a  
240 master plan.

241 (b) In the Agricultural, Rural Residential, and  
242 Residential Detached zones, a distance of one foot  
243 for every foot of height or 300 feet from an  
244 existing dwelling, whichever [is greater] provides  
245 the greater setback.

246 (c) In the Employment [and Industrial] zones, a  
247 distance of one-half foot for every foot of height  
248 when abutting Commercial/Residential,  
249 Employment, or Industrial zoned properties, and  
250 one foot for every foot of height when abutting  
251 Agricultural, Rural Residential, or Residential  
252 zoned properties.

253 \* \* \*

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

255 **A. Cemetery**

256 \* \* \*

257 **2. Use Standards**

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

261   \*   \*   \*

262           d.    In the AR, R, and RC zones, a family burial site is allowed only  
263           as an accessory use on a residentially developed property and  
264           may only be approved on a lot or parcel that is appropriate to  
265           the circumstances and is a minimum of 25 acres in size. A  
266           family burial site must be set back a minimum of 100 feet from  
267           any abutting property in a Residential zone and a minimum of  
268           50 feet from any existing or master-planned street. The use of  
269           any property for a family burial site must be recorded in the  
270           [lands] land records of Montgomery County. A family burial  
271           site is not restricted by Section 3.1.5, Transferable  
272           Development Rights.

273           e.    In the AR zone, a cemetery may be prohibited under Section  
274           3.1.5, Transferable Development Rights.

275   \*   \*   \*

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

277   \*   \*   \*

278   **B.    Retail/Service Establishment**

279   \*   \*   \*

280           **2.    Use Standards**

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

283           i.    In the R-10 zone:

284 (a) The apartment building type must contain a  
285 minimum of 150 dwelling units, be a minimum of  
286 60 feet in height, and be on a site with a minimum  
287 of 5 acres.

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

292 \* \* \*

293

294 **Section 3.5.14. Accessory Commercial Uses**

295 \* \* \*

296 **C. Antenna on Existing Structure**

297 \* \* \*

298 **2. Use Standards**

299 \* \* \*

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

305 \* \* \*

306 **G. Lawn Maintenance Service**

307 \* \* \*

308 **2. Use Standards**

309 \* \* \*

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

312 \* \* \*

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

314 **Division 3.6. Industrial Uses**

315 \* \* \*

316 **Section 3.6.5. Mining, Excavation**

317 **A. Defined**

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

321 \* \* \*

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

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

324 \* \* \*

325 **Section 4.1.2. Compliance Required**

326 \* \* \*

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

330 \* \* \*

331 **Section 4.1.7. Measurement and Exceptions**

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

333 \* \* \*

334 **B. Placement**

335 **1. Structure Setbacks**

336 \* \* \*

337 **b. Measurement of Setbacks**

338 There are front, side street, side, and rear setbacks. Through lots  
339 have 2 front setbacks. A lot abutting an alley is not a through  
340 lot.

341 \* \* \*

342 [v. Where a setback is expressed as 2 numbers separated by  
343 "or" (such as 4' or 20'), a property owner may build either  
344 to the lesser setback, or no closer to the lot line than the  
345 greater setback. A setback between the 2 numbers is  
346 prohibited.]

347 **2. Build-to Area**

348 **Defined**

349 a. The build-to area is the area on the lot from [[the edge of]] the  
350 lot line or right-of-way to the maximum setback where a certain  
351 percentage of the front or side street building façade must be  
352 located[, measured as a range from the edge of the lot line].

353 b. A surface parking lot and a drive aisle are prohibited in the  
354 build-to area. All other structures and uses customarily allowed  
355 on the lot are allowed in the build-to area, [except a surface  
356 parking lot] including an access driveway perpendicular to the  
357 right-of-way.

358 **3. Parking Setbacks**

359 \* \* \*

360 **b. Measurement of Parking Setbacks**

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

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

367 \* \* \*

368 **4. Coverage**

369 **a. Defined**

370 \* \* \*

371 ii. Coverage does not include paved areas such as a  
372 driveway, a pedestrian walkway, a bay window  
373 measuring 10 feet in width or less and 3 feet in depth or  
374 less, an uncovered porch or patio, deck, a swimming  
375 pool, or roof overhang.

376 **5. Setback Encroachments**

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

379 **a. Building Features**

380 i. Any unenclosed porch, deck, terrace, steps, or stoop may  
381 project a maximum of 3 feet into any side setback, or any  
382 side street setback of less than 25 feet [or side setback]  
383 and may project a maximum of 9 feet into any front  
384 setback, [or] rear setback, or any side street setback  
385 where the side street setback is a minimum of 25 feet.

386 This encroachment includes an unenclosed roofed porch  
387 or terrace.

388 ii. Any roofed and unenclosed steps or stoop may project a  
 389 maximum of 3 feet into any side setback, or any side  
 390 street setback of less than 25 feet [or side setback] and  
 391 may project a maximum of 9 feet into any front setback,  
 392 [or] rear setback, or any side street setback where the side  
 393 street setback is a minimum of 25 feet. Any roof covering  
 394 unenclosed steps or a stoop may project a maximum of 3  
 395 feet into any setback.

396 \* \* \*

397 viii. Any bay window, oriel, entrance, vestibule, or balcony,  
 398 10 feet in width or less, may project a maximum of 3 feet  
 399 into any setback. The total [[area]] length of all bay  
 400 windows and oriels on a building façade is a maximum  
 401 of 50% of the linear footage of the façade.

402 \* \* \*

**c. Solar Panels**

404 A solar panel may project a maximum of 3 feet into any side  
 405 setback, or any side street setback of less than 25 feet [or side  
 406 setback] and may project a maximum of 9 feet into any front  
 407 setback, [or] rear setback, or any side street setback where the  
 408 side street setback is a minimum of 25 feet.

409 \* \* \*

**C. Height**

411 **1. Building Height in Agricultural, Rural Residential, and**  
 412 **Residential Zones**

413 a. Building height is measured from the average grade either  
 414 the mean height level between the eaves and ridge of a gable,

415 hip, mansard, or gambrel roof or to the highest point of roof  
416 surface, [of a flat roof] regardless of roof type.

417 \* \* \*

418 **2. Building Height in Commercial/Residential, Employment, and**  
419 **Industrial Zones**

420 a. Building height is [[always]] measured from the level of  
421 approved curb grade opposite the middle of the front of a  
422 building to the highest point of roof surface of a flat roof or to  
423 the mean height level between eaves and ridge of a pitched  
424 roof. If a building is located on a terrace, the height may be  
425 increased by the height of the terrace. [On a corner lot  
426 exceeding 20,000 square feet, the height of the building may be  
427 measured from either adjoining curb grade.] For a corner lot or  
428 a lot extending through from street to street, the height [may]  
429 must be measured from [either] the curb grade opposite the  
430 middle of the front of a building. For the purposes of measuring  
431 height on a corner lot or a lot extending through from street to  
432 street, an applicant may choose either right-of-way as the front.

433 \* \* \*

434 **D. Form**

435 \* \* \*

436 **3. Entrance Spacing**

437 a. Entrance spacing is the maximum distance between entrances.  
438 One entrance must be provided for a specified length of  
439 building façade fronting a street or open space, as indicated in  
440 Division 4.5 and Division 4.6.

441            b. An angled entrance may be provided at either corner of a  
442            building along the street to meet the street-facing entrance  
443            requirements.

444    **Section 4.1.8. Compatibility Requirements**

445    \*   \*   \*

446    **B. Height Compatibility**

447        **1. Applicability**

448            Section 4.1.8.B applies to a property that:

449            a. abuts or confronts a property in an Agricultural, Rural  
450            Residential, Residential Detached, or Residential Townhouse  
451            zone that is vacant or improved with an agricultural or  
452            residential use; and

453            b. proposes any building type in a Commercial/Residential,  
454            Employment, Industrial, or Floating zone.

455    \*   \*   \*

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

457    **Division 4.3. Rural Residential Zones**

458    \*   \*   \*

459    **Section 4.3.2. Optional Method Development**

460    \*   \*   \*

461    **B. Optional Method Cluster Development**

462            The cluster method of development provides an optional method of  
463            development that encourages the provision of community open space for  
464            active or passive recreation as well as the preservation and enhancement of  
465            natural resources. Optional method Cluster Development allows flexibility  
466            in lot layout and for variety in the types of residential buildings. The density

467 of dwelling units per acre [and open space requirements are] is not changed.  
468 The character of the existing neighborhood is protected and open space for  
469 common use is provided. To accomplish these objectives, certain changes in  
470 lot areas and dimensions and a greater variety of building types are allowed.  
471 An applicant's use of this method of development, and site plan approval for  
472 portions of such development, are subject to approval by the Planning  
473 Board.

474 \* \* \*

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

476 \* \* \*

477 **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> |  |
| * * *   |  |

478 \* \* \*

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

|  |                            |
|--|----------------------------|
|  | <b>Cluster Development</b> |
|  | <b>Detached House</b>      |
| * * *  |                            |
| <b>2. Lot</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']                |
| * * *  |                            |

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

481 \* \* \*

482 **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] <u>Specification</u> 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>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>Lot (min)</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] <u>Specifications</u> for Principal Building and Accessory Structure Setbacks</b> |  |                      |                      |                         |
| * * *  |  |                      |                      |                         |

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

484 \* \* \*

485 4. The RNC zone also allows for an optional method of development  
 486 without the provision of MPDUs above those required by Chapter  
 487 25A, if recommended in the applicable master plan. The maximum  
 488 density for this type of optional method development is 1 dwelling  
 489 unit per acre, unless a lesser density is recommended by the applicable  
 490 master plan.

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

|   | <b>MPDU Development</b> |               |                         |
|---|-------------------------|---------------|-------------------------|
|   | <b>Detached House</b>   | <b>Duplex</b> | <b>Townhouse</b>        |
| <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>   |                         |               |                         |
| <u>Site coverage</u>  | <u>n/a</u>              | <u>n/a</u>    | <u>30%</u>              |
| <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']             |
| * * *   |                         |               |                         |

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

493 **Division 4.4. Residential Zones**

494 **Section 4.4.1. Standard Method Development**

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

498 \* \* \*

499 **B. Residential Infill Compatibility**

500 \* \* \*

501 **2. Coverage**

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

508 \* \* \*

509

510 **Section 4.4.2. Optional Method Development**

511 \* \* \*

512 **A. Optional Method MPDU Development**

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

518 additional building types[;] and provides more flexibility for certain dimensional  
519 standards.

520 \* \* \*

521 **B. Optional Method Cluster Development**

522 The cluster method of development provides an optional method of development  
523 that encourages the provision of community open space for active or passive  
524 recreation as well as the preservation and enhancement of natural resources.

525 Optional method Cluster Development allows flexibility in lot layout and for  
526 variety in the types of residential buildings. [The density of dwelling units per acre  
527 and open space requirements are not changed.] The character of the existing  
528 neighborhood is protected, and open space for common use is provided. To  
529 accomplish these objectives, certain changes in lot areas and dimensions and a  
530 greater variety of building types are allowed. An applicant's use of this method of  
531 development, and site plan approval for portions of such development, are subject  
532 to approval by the Planning Board.

533 \* \* \*

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

535 \* \* \*

536 **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</u>  |
| <b>Specification for Lot</b>            |  |
| * * *                                   |  |

537

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

539 \* \* \*

540 **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</u>  |
| <b>Specification for Lot</b>            |  |
| * * *                                   |  |

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

542 \* \* \*

543 **2. Optional Method Cluster Development**

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

- 547 a. provides safe and adequate access;
- 548 b. has sufficient width to accommodate the proposed dwelling
- 549 units;
- 550 c. will protect significant environmental features on- and off-site
- 551 better than would a public road; and
- 552 d. has proper drainage.

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

557 **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)<br>(See Section 6.3.5)  |                  | 5%     |           | 5%                  |
| <b><u>Site Coverage (max)</u></b>  |                  |        |           |                     |
| Site coverage  | n/a              | n/a    | 40%       | n/a                 |
| <b><u>Specification for [[Open Space and]] Site Coverage</u></b>   |                  |        |           |                     |

|  | MPDU Development |             |                     | Cluster Development |
|--|------------------|-------------|---------------------|---------------------|
|  | Detached House   | Duplex      | Townhouse           | Detached House      |
| 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]<br>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']         |
| * * *  |                  |             |                     |                     |

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

559 \* \* \*

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

|   | Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone |
|---|---|
| <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</u>   |

|                              |  |
|------------------------------|--|
| <b>Specification for Lot</b> |  |
| * * *                        |  |

561 \* \* \*

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

563

|  | 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)<br>(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]<br>1,200 SF | 12,000 SF           |
| * * *  |                  |          |                     |                     |
| <b>Coverage (max)</b>  |                  |          |                     |                     |

|  |             |             |                  |             |
|--|-------------|-------------|------------------|-------------|
| Lot                                      | 35%         | 35%         | [50%] <u>n/a</u> | 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'] |
| * * *                                    |             |             |                  |             |

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

565 \* \* \*

566 **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</u>  |
| <b>Density (max)</b>                    |  |
| * * *                                   |  |

567

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

|   |                         |               |                  |                            |
|---|-------------------------|---------------|------------------|----------------------------|
|   | <b>MPDU Development</b> |               |                  | <b>Cluster Development</b> |
|   | <b>Detached House</b>   | <b>Duplex</b> | <b>Townhouse</b> | <b>Detached House</b>      |
| <b>1. Site</b>  |                         |               |                  |                            |
| * * *   |                         |               |                  |                            |
| <b>Specification for Site under Cluster Development</b> |                         |               |                  |                            |

|  | MPDU Development |             |                     | Cluster Development |
|--|------------------|-------------|---------------------|---------------------|
|  | Detached House   | Duplex      | Townhouse           | Detached House      |
| <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>i. the subject property is recommended for cluster development in a master plan; or [if]</p> <p>ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or</p> <p>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.</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)<br>(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. 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   | 6,000 SF         | 3,000 SF    | [1,200]<br>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.

\* \* \*

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

570 \* \* \*

571 **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</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><br><u>or</u>                      | 35'  |
| ≡ [[Principal building,]] measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof | 20'  |
| * * *   |  |

572 **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. <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   | 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']             |
| * * *  |                  |             |                         |                     |             |                         |

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

575 \* \* \*

576 **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</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;<br><u>or</u>     | 35'  |
| ≡ measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof | 30'  |
| * * *   |  |

577

578 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>  |                  |        |           |                     |        |           |
| a. The Planning Board may allow development to proceed under optional method Cluster Development |                  |        |           |                     |        |           |

|  | MPDU Development |             |                         | Cluster Development |             |                         |
|--|------------------|-------------|-------------------------|---------------------|-------------|-------------------------|
|  | Detached House   | Duplex      | Townhouse               | Detached House      | Duplex      | Townhouse               |
| 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)  | 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>  |                  |             |                         |                     |             |                         |
| 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   | 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']      | 4' [or 20'] | 4' [or 20']             | 4' [or 20']         | 4' [or 20'] | 4' [or 20']             |
| * * *  |                  |             |                         |                     |             |                         |

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

580 \* \* \*

581 **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</u>  |                      |                      |
| <b>Density (max)</b>  |  |                      |                      |
| * * *   |  |                      |                      |
| <b>4. Height</b>  |  |                      |                      |
| <b>Height (max)</b>   |  |                      |                      |
| Principal building[[,]]   |  |                      |                      |
| ≡ measured to highest point of [a flat] roof surface, regardless of roof type; or               | 35'  | 35'                  | 35'                  |
| ≡ measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof | 30'  | 35'                  | 35'                  |

\* \* \*

583 **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%] <u>20%</u> |             |                       |
| <b><u>Site Coverage (max)</u></b>   |                  |             |                       |
| Site coverage   | <u>n/a</u>       | <u>n/a</u>  | <u>40%</u>            |
| <b><u>Specification for [[Open Space and]] Site Coverage</u></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] <u>n/a</u> |
| * * *   |                  |             |                       |
| <b>Coverage (max)</b>   |                  |             |                       |
| Lot   | 60%              | 60%         | [60%] <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']           |
| * * *   |                  |             |                       |

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

585 \* \* \*

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

587

|  | <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)<br>(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] <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   | 4,800 SF   | 2,400 SF             | 4,800 SF             | [1,600] <u>1,250 SF</u> |
| 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>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>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'          |
| * * *                                       |  |                      |                      |                  |
| Rear setback, alley                         | 4' [or 20']  | 4' [or 20']          | 4' [or 20']          | 4' [or 20']      |
| * * *                                       |  |                      |                      |                  |

588 **C. TLD 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  | [20,038] <u>20,000</u> 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] <u>20%</u>           |                |                  |
| <b>Site Coverage (max)</b>   |                           |                |                  |
| Site coverage  | n/a                       | n/a            | 40%              |
| <b><u>Specification for [[Open Space and]] Site Coverage</u></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>                   |       |       |       |
| <b>[Lot]</b>                              | [60%] | [60%] | [60%] |
| * * *                                     |       |       |       |

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

590 \* \* \*

591 **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   | 30'  | 15'                  | 30'                  | n/a                     |

|   |                 |             |             |             |
|---|-----------------|-------------|-------------|-------------|
| building line                               |                 |             |             |             |
| 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, end unit                      | n/a             | n/a         | n/a         | [4]3'       |
| 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'] |
| * * *               |             |             |             |             |

592 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] <u>20,000</u> 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] <u>20%</u>           |        |                  |
| <b><u>Site Coverage (max)</u></b>  |                           |        |                  |
| <u>Site coverage</u>   | n/a                       | n/a    | <u>40%</u>       |
| <b><u>Specification for [[Open Space and]] Site Coverage</u></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  | 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'              |

|   | MPDU Development |             |             |
|---|------------------|-------------|-------------|
|   | Detached House   | Duplex      | Townhouse   |
| 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'] |
| * * *   |                  |             |             |

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

594 \* \* \*

595 **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>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] 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 and Density</b>   |   |               |               |                      |
| <b>Lot (min)</b>  |   |               |               |                      |
| Lot area  | 2,900 SF  | 1,450 SF      | 2,900 SF      | [1,200] <u>1,000</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> |
|---|--|----------------------|----------------------|------------------|
|   |  |                      |                      | 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]5'           |
| * * *                                       |  |                      |                      |                  |
| 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'           |
| * * *                                       |  |                      |                      |                  |

|                     |  |                      |                      |                  |
|---------------------|--|----------------------|----------------------|------------------|
|                     | <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']      |
| * * *               |  |                      |                      |                  |

596 C. THD Zone, Optional Method Development Standards

|   | MPDU Development   |        |           |
|---|--------------------|--------|-----------|
|   | Detached House     | Duplex | Townhouse |
| <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>   |                    |        |           |
| Common open space (% of usable area) (See Section 6.3.5)  | [30] 15%           |        |           |
| <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>   |                    |        |           |
| * * *   |                    |        |           |
| <b>Coverage (max)</b>   |                    |        |           |
| Lot   | 75%                | 75%    | [75%] n/a |
| <b>3. Placement</b>   |                    |        |           |

|   | MPDU Development |             |             |
|---|------------------|-------------|-------------|
|   | Detached House   | Duplex      | Townhouse   |
| <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'      |
| * * *   |                  |             |             |
| Rear setback, alley                             | 4' [or 20']      | 4' [or 20'] | 4' [or 20'] |
| * * *   |                  |             |             |

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

598 \* \* \*

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

|   | Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone | Duplex - Side | Duplex - Over | Townhouse | Apartment |
|---|---|---------------|---------------|-----------|-----------|
| <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>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>Lot (min)</b>                            |  |                      |                      |                     |                  |
| Lot area                                    | 3,000 SF   | 1,500 SF             | 3,000 SF             | [1,200]<br>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>    |  |                      |                      |                     |                  |
| 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'               |
| * * *                                     |  |                      |                      |                  |                  |

600 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)<br>(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 [[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. |                           |               |                  |                  |

|   | MPDU Development |                |                  |                         |
|---|------------------|----------------|------------------|-------------------------|
|   | Detached House   | Duplex         | Townhouse        | Apartment               |
| <b>2. Lot</b>                                   |                  |                |                  |                         |
| Dimensions (min)                                |                  |                |                  |                         |
| * * *   |                  |                |                  |                         |
| Coverage (max)                                  |                  |                |                  |                         |
| 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                     |
| * * *   |                  |                |                  |                         |

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

602 \* \* \*

603 **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>   |   |               |               |           |           |
| * * *            |   |               |               |           |           |
| Open Space (min) |   |               |               |           |           |

|   | <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> |
|---|--|----------------------|----------------------|------------------|------------------|
| Common open space (% of site)<br>(See Section 6.3.5)                          | n/a  | n/a                  | n/a                  | [60] <u>30%</u>  | [60] <u>45%</u>  |
| <b>Site Coverage (max)</b>  |  |                      |                      |                  |                  |
| Site coverage   | n/a  | n/a                  | n/a                  | [18] <u>25%</u>  | 18%              |
| <b>[Specifications] <u>Specification</u> 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              |
| <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   | n/a  | n/a                  | n/a                  | [5'] <u>3'</u>   | 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> |
|---|--|----------------------|----------------------|------------------|------------------|
| unit                                      |  |                      |                      |                  |                  |
| * * *                                     |  |                      |                      |                  |                  |
| 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'               |
| * * *                                     |  |                      |                      |                  |                  |

604 C. R-20 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                         | [15,682] <u>15,600</u> SF |               |                  |                  |
| <b>Density (max)</b>                |                           |               |                  |                  |
| Density (units/acre of usable area) | 26.47                     |               |                  |                  |
| <b>Open Space (min)</b>             |                           |               |                  |                  |
| Common open space                   | [35] <u>25%</u>           |               |                  |                  |

|   | MPDU Development |             |             |                         |
|---|------------------|-------------|-------------|-------------------------|
|   | Detached House   | Duplex      | Townhouse   | Apartment               |
| (% of usable area) (See Section 6.3.5)  |                  |             |             |                         |
| <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>   |                  |             |             |                         |
| Dimensions (min)  |                  |             |             |                         |
| * * *   |                  |             |             |                         |
| Coverage (max)  |                  |             |             |                         |
| Lot   | 75%              | 75%         | [75%] n/a   | [18%] n/a               |
| <b>3. Placement</b>   |                  |             |             |                         |
| Principal Building Setbacks (min)   |                  |             |             |                         |
| Front setback from public street  | 10'              | 10'         | 10'         | Determined at site plan |
| Front setback from private street or open space   | 6'               | 6'          | [6']4'      | Determined at site plan |
| Side street setback   | 10'              | 10'         | [10']5'     | Determined at site plan |
| * * *   |                  |             |             |                         |
| Rear setback, alley   | 4' [or 20']      | 4' [or 20'] | 4' [or 20'] | n/a                     |
| * * *   |                  |             |             |                         |

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

606 \* \* \*

607 **B. R-10 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                  | [50]30%          | [50]40%          |
| <b>Site Coverage (max)</b>  |  |                      |                      |                  |                  |
| Site coverage   | n/a  | n/a                  | n/a                  | [12]20%          | 12%              |
| <b>[Specifications] <u>Specification</u> 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        |
| 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,  | 20'  | 20'                  | 20'                  | 20'              | 30'              |

|   | <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> |
|---|--|----------------------|----------------------|------------------|------------------|
| public street                               |  |                      |                      |                  |                  |
| 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'               |
| * * *                                       |  |                      |                      |                  |                  |
| <b>5. Form</b>                              |  |                      |                      |                  |                  |
| * * *                                       |  |                      |                      |                  |                  |
| <b>Building Orientation</b>                 |  |                      |                      |                  |                  |
| Entrance facing street or open              | n/a  | n/a                  | n/a                  | required         | required         |

|                          |  |                      |                      |                  |                  |
|--------------------------|--|----------------------|----------------------|------------------|------------------|
|                          | <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> |
| space                    |  |                      |                      |                  |                  |
| [Entrance spacing (max)] | [n/a]  | [n/a]                | [n/a]                | [n/a]            | [n/a]            |
| * * *                    |  |                      |                      |                  |                  |

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

|   | MPDU Development   |        |           |           |
|---|--------------------|--------|-----------|-----------|
|   | Detached House     | Duplex | Townhouse | Apartment |
| <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)   | 53.07              |        |           |           |
| <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    | 25%       | 12%       |
| <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>   |                    |        |           |           |

|   | MPDU Development |             |             |                         |
|---|------------------|-------------|-------------|-------------------------|
|   | Detached House   | Duplex      | Townhouse   | Apartment               |
| Lot   | 75%              | 75%         | [75%] n/a   | [12%] 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 |
| * * *   |                  |             |             |                         |
| Rear setback, alley                             | 4' [or 20']      | 4' [or 20'] | 4' [or 20'] | n/a                     |
| * * *   |                  |             |             |                         |

609 **Sec. 10. DIVISION 59-4.5. is amended as follows:**

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

611 \* \* \*

612 **Section 4.5.3. Standard Method Development**

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

|  | Detached House | Duplex - Side | Duplex - Over | * * * |
|--|----------------|---------------|---------------|-------|
| <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           |       |
| * * *                                  |                |               |               |       |

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

615 **Division 4.6. Employment Zones**

616 \* \* \*

617 **Section 4.6.3. Standard Method Development**

618 The GR, NR, LSC, and EOF zone allow standard method development under the  
 619 following limitations and requirements.

620 **A. In General**

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

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

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

628 **B. Procedure for Approval**

- 629 1. Site plan approval may be required under Section 7.3.4.A.8.
- 630 2. An applicant may file a site plan application to modify the Parking  
 631 Setbacks for Surface Parking Lots, Build-to Area, Building  
 632 Orientation, or Transparency requirements under Section 4.6.3.D and  
 633 Section 4.6.3.E.

634 **C. GR and NR Zones, Standard Method Development Standards**

|         | Detached House | Duplex – [Side] [[Over]] Side | Duplex – [Over] [[Side]] Over | Town-house | Apartment | Multi Use | General |
|---------|----------------|-------------------------------|-------------------------------|------------|-----------|-----------|---------|
| 1. Site |                |                               |                               |            |           |           |         |

|  | <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> |
|--|-----------------------|--------------------------------------|--------------------------------------|-------------------|------------------|------------------|----------------|
| <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%            |
| <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]] 500 SF                     | [[500]] 1000 SF                      | 900 SF            | n/a              | n/a              | n/a            |
| Lot width at front building line   | 25'                   | [[25']] 12.5'                        | [[12.5']] 25'                        | 12'               | n/a              | n/a              | n/a            |
| Lot width at front lot line  | 10'                   | [[10']] n/a                          | [[n/a]] 10'                          | n/a               | n/a              | n/a              | n/a            |
| * * *  |                       |                                      |                                      |                   |                  |                  |                |
| <b>Coverage (max)</b>  |                       |                                      |                                      |                   |                  |                  |                |
| Lot  | 90%                   | 90%                                  | 90%                                  | [90%] n/a         | n/a              | n/a              | n/a            |
| * * *  |                       |                                      |                                      |                   |                  |                  |                |
| a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.  |                       |                                      |                                      |                   |                  |                  |                |
| <b>3. Placement</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'             |
| * * *  |                       |                                      |                                      |                   |                  |                  |                |

|                     | <b>Detached House</b> | <b>Duplex –<br/>[Side]<br/>[[Over]]<br/>Side</b> | <b>Duplex –<br/>[Over]<br/>[[Side]]<br/>Over</b> | <b>Town-house</b> | <b>Apartment</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'             |
| * * *               |                       |  |  |                   |                  |                  |                |

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

|  | <b>Detached House</b> | <b>Duplex –<br/>[Side]<br/>[[Over]]<br/>Side</b> | <b>Duplex –<br/>[Over]<br/>[[Side]]<br/>Over</b> | <b>Town-house</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] 10%          | 0%               | 0%               | 0%             |
| Open space, [[site]] tract > 10,000 SF     | n/a                   | n/a  | n/a  | [20] 10%          | 10%              | 10%              | 10%            |
| * * *                                      |                       |  |  |                   |                  |                  |                |
| <b>2. Lot and Density</b>                  |                       |  |  |                   |                  |                  |                |
| <b>Lot (min)</b>                           |                       |  |  |                   |                  |                  |                |
| Lot area                                   | 1,000 SF              | [[1,000]]<br>500 SF                              | [[500]]<br>1,000 SF                              | 900 SF            | n/a              | n/a              | n/a            |
| Lot width at front building line           | 25'                   | [[25']]<br>12.5'                                 | [[12.5']]<br>25'                                 | 12'               | n/a              | n/a              | n/a            |
| * * *                                      |                       |  |  |                   |                  |                  |                |
| <b>Coverage (max)</b>                      |                       |  |  |                   |                  |                  |                |
| Lot  | 90%                   | 90%  | 90%  | [90%]<br>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'             |

|  | Detached House | Duplex – [Side] [[Over]] Side | Duplex – [Over] [[Side]] Over | Town-house  | Apartment   | Multi Use | General |
|--|----------------|-------------------------------|-------------------------------|-------------|---|-----------|---------|
| 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 of building in the BTA               |           |         |
| 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] <u>modify</u> the Parking Setbacks for Surface Parking Lots and Build-to Area requirements <u>during site plan review under Section 7.3.4</u> <u>[[if it finds that the alternative design satisfies the intent of the zone and]]</u>. <u>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] The Planning Board may [waive] <u>modify</u> the Building Orientation and Transparency requirements <u>during site plan review under Section 7.3.4</u> <u>[[if it finds that the alternative design satisfies the intent of the zone and]]</u>. <u>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>   |                |                               |                               |             |   |           |         |
| * * *  |                |                               |                               |             |   |           |         |

636 E. EOF Zone, Standard Method Development Standards

Zoning Text Amendment 15-09

|  | <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> |
|--|-----------------------|--------------------------------------|--------------------------------------|-------------------|---|------------------|----------------|
| <b>1. Site</b>   |                       |                                      |                                      |                   |   |                  |                |
| <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%            |
| * * *  |                       |                                      |                                      |                   |   |                  |                |
| <b>2. Lot and Density</b>                              |                       |                                      |                                      |                   |   |                  |                |
| <b>Lot (min)</b>                                       |                       |                                      |                                      |                   |   |                  |                |
| Lot area   | 1,000 SF              | [[1,000]] 500 SF                     | [[500]] 1,000 SF                     | 900 SF            | n/a   | n/a              | n/a            |
| Lot width at front building line                       | 25'                   | [[25']] 12.5'                        | [[12.5']] 25'                        | 12'               | n/a   | n/a              | n/a            |
| * * *  |                       |                                      |                                      |                   |   |                  |                |
| <b>Coverage (max)</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 of building in |                  |                |

|   | Detached House | Duplex – [Side] [[Over]] Side | Duplex – [Over] [[Side]] Over | Town-house | Apartment  | Multi Use | General |
|---|----------------|-------------------------------|-------------------------------|------------|--|-----------|---------|
|   |                |                               |                               |            | <u>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>  |                |                               |                               |            |  |           |         |
| <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] <u>The Planning Board may [waive] modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4 [[if it finds that the alternative design satisfies the intent of the zone and]]. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from [[those]] the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.</u></p> |                |                               |                               |            |  |           |         |
| * * *   |                |                               |                               |            |  |           |         |
| 5. Form   |                |                               |                               |            |  |           |         |
| * * *   |                |                               |                               |            |  |           |         |
| <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>  |                |                               |                               |            |  |           |         |
| * * *   |                |                               |                               |            |  |           |         |

637 **Section 4.6.4. Optional Method Development**

638 \* \* \*

639 **B. Development Standards**

640 **1. Open Space**

641 a. A developer must provide open space based on the [lot] tract  
642 area and number of frontages as described in the following  
643 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%       |

644 \* \* \*

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

**Division 4.7. Optional Method Public Benefits**

**Section 4.7.1. General Provisions**

648 \* \* \*

**B. General Public Benefit Considerations**

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

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

656 \* \* \*

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

658 \* \* \*

659 **B. Transit Proximity**

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

664 \* \* \*

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

666 \* \* \*

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

671 \* \* \*

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

673 **Division 4.8. Industrial Zones**

674 \* \* \*

675 **Section 4.8.3. Standard Method Development**

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

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

|  | Multi Use | General |
|--|-----------|---------|
| <b>1. Site</b>   |           |         |
| <b>Open Space (min)</b>  |           |         |
| Amenity open space, <u>[[site]] tract ≤ 10,000 SF (see Section [7.3.7] 6.3.7)</u>    | 5%        | 5%      |
| Amenity open space, <u>[[site]] tract &gt; 10,000 SF (see Section [7.3.7] 6.3.7)</u> | 10%       | 10%     |

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

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

|  | <b>Multi Use</b> | <b>General</b> |
|--|------------------|----------------|
| <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. <u>Open space is calculated on the area of the site.</u></b>         |                  |                |
| * * *  |                  |                |

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

681 **Division 4.9. Overlay Zones**

682 \* \* \*

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

684 \* \* \*

685 **D. Development Standards**

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

- 688 1. The minimum front and side street setback for a main building is 30  
689 feet, and if the abutting lots are occupied by buildings with a front or  
690 side street setback greater than this requirement, no building hereafter

691 erected or any addition to an existing building may project beyond the  
692 line previously established by the buildings on the abutting lots.

693 2. A [front] porch added to a main building existing as of February 15,  
694 2000 may project a maximum of 8 feet into the front and side street  
695 setback and may be covered, but not enclosed.

696 \* \* \*

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

699 \* \* \*

700 **D. Site Plan**

701 \* \* \*

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

703 \* \* \*

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

707 \* \* \*

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

709 \* \* \*

710 **B. Optional Method**

711 \* \* \*

712 **2. Rural Residential and Residential Zones**

713 \* \* \*

714 **c. Development Standards**

715 The following table indicates the required development standards for each TDR  
716 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   |

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

718 \* \* \*

719 **b. Calculation of TDRs Required in the**  
 720 **Commercial/Residential or Employment Zones**

721 \* \* \*

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

725 \* \* \*

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

727 \* \* \*

728 **B. Exemptions**

729 1. The following are exempt from Section 4.9.18:

730 \* \* \*

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

732 g. Development not served by community sewer.

733 \* \* \*

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

735 **Division 5.1. In General**

736 \* \* \*

737 **Section 5.1.2. Intent Statement**

738 \* \* \*

739 B. Encourage the appropriate use of land by:

740 \* \* \*

741 3. ensuring that development satisfies basic sustainability requirements,  
742 including[:] open space standards and environmental protection and  
743 mitigation; and

744 [a. locational criteria,

745 b. connections to circulation networks,

746 c. density and use limitations,

747 d. open space standards,

748 e. environmental protection and mitigation; and]

749 \* \* \*

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

751 **Division 5.2. Residential Floating Zones**

752 **Section 5.2.5. Development Standards**

753 \* \* \*

754 **B. Setback and Height**

755 \* \* \*

756 2. [[Maximum height and setbacks]] Setbacks from the site boundary  
757 and maximum height are established by the floating zone plan. All  
758 other setbacks are established by the site plan approval process under  
759 Section 7.3.4.

760 \* \* \*

761 **C. Lot Size**

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

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

765 \* \* \*

766

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

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

769 **Section 5.3.1. Zones**

770 \* \* \*

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

776 \* \* \*

777 **Section 5.3.5. Development Standards**

778 \* \* \*

779 **B. Setback and Height**

780 \* \* \*

781 2. [[Maximum height and setbacks]] Setbacks from the site boundary  
782 and maximum height are established by the floating zone plan. All  
783 other setbacks are established by the site plan approval process under  
784 Section 7.3.4.

785 \* \* \*

786 **C. Lot Size**

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

789 \* \* \*

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

791 **Division 5.4. Employment Floating Zones**

792 **Section 5.4.1. Zones**

793 \* \* \*

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

798 \* \* \*

799 **Section 5.4.5. Development Standards**

800 \* \* \*

801 **B. Setback and Height**

802 \* \* \*

803 2. [[Maximum height and setbacks]] Setbacks from the site boundary  
804 and maximum height are established by the floating zone plan. All  
805 other setbacks are established by the site plan approval process under  
806 Section 7.3.4.

807 \* \* \*

808 **C. Lot Size**

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

811 \* \* \*

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

813 **Division 5.5. Industrial Floating Zones**

814 **Section 5.5.1. Zones**

815 \* \* \*

816 B. Industrial Floating zones are mapped using the zone's initials followed by  
817 the maximum allowed total density and maximum allowed height as limited

818 by Division 5.5. Zones are established at density increments of 0.25 FAR  
819 and height increments of 5 feet.

820 \* \* \*

821 **Section 5.5.5. Development Standards**

822 \* \* \*

823 **B. Setback and Height**

824 \* \* \*

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

829 \* \* \*

830 **C. Lot Size**

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

833 \* \* \*

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

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

836 \* \* \*

837 **Section 6.2.2. Applicability**

838 \* \* \*

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

843 \* \* \*

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

845 \* \* \*

846 **D. Car-Share Spaces**

847 1. A parking facility with 50 to 149 parking spaces must have a  
848 minimum of one car-share parking space. One additional car-share  
849 parking space is required for each 100 parking spaces more than 149,  
850 or fraction thereof, up to a maximum requirement of 5. A parking  
851 facility may provide more car-share parking spaces than required.

852 \* \* \*

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

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

858 \* \* \*

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

860 1. An applicant may satisfy the required number of vehicular parking  
861 spaces through off-site parking on property located within ¼ mile of  
862 the subject property if the off-site property is plat-restricted, deed-  
863 restricted, or is under a joint use agreement. The plat or deed  
864 restrictions must specify that the property provides the required  
865 number of parking spaces for a use on another property. The plat or  
866 deed restrictions may be lifted if substitute off-site parking is provided  
867 or if the use requiring the parking ceases to exist. A joint use  
868 agreement must:

869 \* \* \*

870 e. If the parking available under a joint use agreement is reduced,  
871 the use-and-occupancy permit for the development that was

872 approved in reliance on the joint use agreement must be  
873 amended or revoked, as appropriate, due to the reduced parking  
874 unless [an alternative compliance plan] a parking waiver under  
875 Section 6.2.10 is approved.

876 \* \* \*

877 **H. Parking Minimums and Maximums**

878 \* \* \*

879 **2. Reduced Parking Area**

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

885 b. In a Reduced Parking Area, an applicant may provide more  
886 parking spaces than allowed by the maximum if all of the  
887 parking spaces provided in excess of the maximum number  
888 allowed are made available to the public and are not reserved,  
889 or if [approved under Alternative Compliance (see Division  
890 6.8)] a parking waiver under Section 6.2.10 is approved.

891 \* \* \*

892 **Section 6.2.4. Parking Requirements**

893 **A. Using the Parking Tables**

894 Uses on the parking table match the allowed uses and use groups in Article  
895 59-3. The number of required spaces is based on a metric specific to each  
896 use[, such as 1,000 square feet of gross floor area (GFA)]. If the proposed  
897 intensity of the use is less than the metric in the tables in subsection B and C,  
898 the baseline minimum is calculated using a fraction of that metric. The

899 number of vehicle parking spaces required also depends upon whether the  
 900 property is located in or outside of a Parking Lot District or Reduced  
 901 Parking Area.

902 \* \* \*

903 **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 Minimum                                      | Baseline Maximum | Baseline Minimum                                       |
| * * *   |  |   |   |                  |  |
| <b>CIVIC AND INSTITUTIONAL</b>                        |  |   |   |                  |  |
| * * *   |  |   |   |                  |  |
| Educational Institution (Private)                     | Student (Grades 9 – 12 or age <u>16+</u> ) | 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 [[Research and Development]] | 1,000 SF of GFA                            | 2.80  | 2.00  | 3.00             | 2.25   |
| <u>Life Sciences</u>                                  | <u>1,000 SF of</u>                         | <u>1.50</u>   | <u>1.00</u>   | <u>3.00</u>      | <u>1.50</u>  |

|                                 |            |  |  |  |  |
|---------------------------------|------------|--|--|--|--|
| <u>Research and Development</u> | <u>GFA</u> |  |  |  |  |
| * * *                           |            |  |  |  |  |

904

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

906 \* \* \*

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

908 1. Parking for any vehicle or trailer in the area between the lot line and  
909 the front or side street building line must be on a surfaced parking  
910 area.

911 2. Except as provided in Section 6.2.5.M.3, the maximum surfaced  
912 parking area between the lot line and the front or side street building  
913 line, excluding the surfaced parking area in a driveway on a pipestem  
914 or flag-shaped lot, is:

915 \* \* \*

916 3. A surfaced parking area may exceed the size limits in Section  
917 6.2.5.M.2 if:

918 a. the surfaced parking area existed before October 26, 2010 and  
919 is not increased in size;

920 b. the property has primary access from a primary residential  
921 street, minor arterial road, major highway, arterial, or any state  
922 road, and is equal to or less than 50% of the area between the  
923 lot line and the front or side street building line;

924 \* \* \*

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

928 \* \* \*

929 **Section 6.2.10. Parking Waiver**

930 The deciding body may waive any requirement of Division 6.2, except the required  
931 parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design  
932 satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space  
933 requirement under Section 6.2.4.B requires application notice under Section  
934 7.5.2.D.

935 \* \* \*

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

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

938 \* \* \*

939 **Section 6.3.5. Common Open Space**

940 **A. General Requirements**

941 **1. Applicability**

942 Common open space is required for any:

- 943 a. optional method development in an RNC or Residential
- 944 [[Detached]] zone;
- 945 b. standard method development with a townhouse or apartment
- 946 building type in a Residential Townhouse or Residential Multi-
- 947 Unit zone;

948 \* \* \*

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

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

951 \* \* \*

952 **Section 6.4.3. General Landscaping Requirements**

953 \* \* \*

954 **C. Fences and Walls**

955 \* \* \*

956 **2. Height and Placement**

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

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

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

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

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

970 Building line and setback requirements do not apply to:

971 \* \* \*

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

975 \* \* \*

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

977 **Division 59-6.7. Signs**

978 \* \* \*

979 **Section 6.7.3. Exempt Signs**

980 The following signs are exempt from Division 6.7:

- 981 A. A sign on private property does not require a permit when the area of the
- 982 sign is 2 square feet or less, and:
- 983 1. the sign is on private property customarily associated with residential
- 984 living or decoration.
- 985 2. the sign is part of a mailbox or newspaper tube and satisfies
- 986 government regulations.
- 987 3. the sign is a warning to the public about trespass, danger, or safety
- 988 considerations.
- 989 B. A sign legally affixed to a bus shelter or transit center information kiosk
- 990 under an approved franchise agreement, or located in a public parking
- 991 structure and not visible beyond the property line, does not require a permit.

992 \* \* \*

993 **Section 6.7.4. Prohibited Signs**

994 A sign not authorized in Division 6.7 is prohibited. ~~[[The]]~~ Except for a sign that is

995 not visible beyond the property lines of the property where the sign is located, the

996 following signs are specifically prohibited and must not be erected or retained. The

997 Sign Review Board must not grant a variance permitting their erection, installation,

998 or maintenance. A prohibited sign must be removed within 24 hours after

999 notification by DPS that the sign must be removed.

1000 \* \* \*

1001 **F. Sign in the Public Right-of-Way**

1002 A sign in the right-of-way is prohibited, except for the following:

1003 \* \* \*

- 1004 5. A sign approved as part of a sign concept plan for an optional method
- 1005 development project located in an urban renewal area.

1006 Section 6.7.4.F does not affect the authority of the appropriate transportation

1007 jurisdiction to regulate signs in its right-of-way or the authority of the

1008 Department of Transportation to otherwise regulate the right-of-way. The  
1009 appropriate transportation jurisdiction or DPS may remove any sign in the  
1010 public right-of-way that is prohibited under Section 6.7.4.F.

1011 \* \* \*

1012 **Sec. 24. DIVISION 6.8 is amended as follows:**

1013 **Division 6.8. Alternative Compliance**

1014 **Section 6.8.1. Alternative Method of Compliance**

1015 The applicable deciding body may approve an alternative method of compliance  
1016 with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it  
1017 determines that there [are] is a unique site, [or] a use characteristic, or a  
1018 development [constraints] constraint, such as grade, visibility, an existing building  
1019 or structure, an easement, or a utility line[, or use restrictions]. The applicable  
1020 deciding body must also determine that the unique site, use characteristic, or  
1021 development constraint [preclude] precludes safe or efficient development under  
1022 the requirements of the applicable Division, and the alternative design will:

1023 \* \* \*

1024 **Sec. 25. DIVISION 7.2 is amended as follows:**

1025 **Division 7.2. District Council Approvals**

1026 **Section 7.2.1. Local Map Amendment**

1027 \* \* \*

1028 **E. Necessary Findings**

1029 \* \* \*

1030 2. For a Floating zone application, the District Council must find that the  
1031 floating zone plan will:

1032 a. substantially conform with the recommendations of the  
1033 applicable master plan, general plan, and other applicable  
1034 County plans;

- 1035           b.     further the public interest;
- 1036           c.     satisfy the intent[[, purposes,]] and standards of the proposed
- 1037                     zone and, to the extent the Hearing Examiner finds it necessary
- 1038                     to ensure compatibility, meet other applicable requirements of
- 1039                     this Chapter;

1040     \*   \*   \*

1041           **Sec. 26. DIVISION 7.3 is amended as follows:**

1042     **Division 7.3 Regulatory Approvals**

1043     **Section 7.3.1. Conditional Use**

1044     \*   \*   \*

1045     **B.    Application Requirements**

1046     \*   \*   \*

- 1047           2.     The applicant must submit the following for review:

1048     \*   \*   \*

- 1049           f.     list of any civic, [[renters, and]] homeowners, and renters
- 1050                     associations that are registered with the Planning Department
- 1051                     and located within 1/2 mile of the site;

1052     \*   \*   \*

1053     **E.    Necessary Findings**

- 1054           1.     To approve a conditional use application, the Hearing Examiner must
- 1055                     find that the proposed development:

- 1056           a.     satisfies any applicable previous approval on the subject site or,
- 1057                     if not, that the previous approval must be amended;
- 1058           b.     satisfies the requirements of the zone, use standards under
- 1059                     Article 59-3, and to the extent the Hearing Examiner finds
- 1060                     necessary to ensure compatibility, meets applicable general
- 1061                     requirements under Article 59-6;

1062 \* \* \*

1063 **F. Decision**

1064 1. Hearing Examiner

1065 \* \* \*

1066 b. The Hearing Examiner must ~~[[notify]]~~ issue a notice, on the day  
1067 the report and decision is issued, to the Board of Appeals, the  
1068 applicant, and all parties ~~[[who participated in the hearing]]~~ of  
1069 record that the report and decision ~~[[are]]~~ is complete and  
1070 available for review. If a timely request for oral argument is not  
1071 received under Section 7.3.1.F.1.c, the Hearing Examiner’s  
1072 report and decision becomes the final decision.

1073 \* \* \*

1074 **I. Duration of Approval**

1075 \* \* \*

1076 2. ~~[[The]]~~ After the decision, the Board of Appeals or the Hearing  
1077 Examiner may extend the time limit for a conditional use to be  
1078 established or obtain a building permit if the evidence of record  
1079 establishes that drawing of architectural plans, preparation of the land,  
1080 or other factors involved in the particular use will delay the start of  
1081 construction or the establishment of the use beyond the period of  
1082 validity. An individual extension must not exceed 12 months. If the  
1083 Board of Appeals or the Hearing Examiner grants an extension, it  
1084 must set a date by which the erection or alteration of the building must  
1085 begin or the use must be established.

1086 \* \* \*

1087 **K. Amendments**

1088 \* \* \*

1089           2.    Minor Amendment

1090   \*   \*   \*

1091           b.    When a minor amendment is granted, the Board of Appeals or  
1092           Hearing Examiner must send a copy of the resolution or  
1093           decision, as applicable, to the applicant, the Board of Appeals  
1094           or Hearing Examiner, as appropriate, the Planning Board, DPS,  
1095           the Department of Finance, all parties entitled to notice at the  
1096           time of the original filing, and current abutting and confronting  
1097           property owners. Except for an amendment for a  
1098           Telecommunications Tower, [The] the resolution or decision, as  
1099           applicable, must state that any party may request a public  
1100           hearing on the Board of Appeals' or Hearing Examiner's action  
1101           within 15 days after the resolution or decision is issued. The  
1102           request for public hearing must be in writing, and must specify  
1103           the reason for the request and the nature of the objection or  
1104           relief desired. If a request for a hearing is received, the deciding  
1105           body must suspend its administrative amendment and conduct a  
1106           public hearing to consider whether the amendment substantially  
1107           changes the nature, character, or intensity of the conditional use  
1108           or its effect on the immediate neighborhood. If the Board of  
1109           Appeals or Hearing Examiner determines that such impacts are  
1110           likely, then the amendment application must be treated as a  
1111           major amendment application. A decision of the Hearing  
1112           Examiner may be appealed on the basis of the Hearing  
1113           Examiner's record to the Board of Appeals. Any amendment to  
1114           a Telecommunications Tower is also a minor amendment.

1115   \*   \*   \*

1116 **Section 7.3.2. Variance**

1117 \* \* \*

1118 **B. Application Requirements**

1119 \* \* \*

1120 2. The applicant must submit the following for review:

1121 \* \* \*

1122 g. list of any civic, ~~[[renters, and]]~~ homeowners, and  
1123 renters associations that are registered with the Planning  
1124 Department and located within 1/2 mile of the site;

1125 h. scale plans, illustrations, sections, elevations, or specifications  
1126 showing all existing and proposed buildings and structures;  
1127 ~~[[and]]~~

1128 i. supplementary documentation to be introduced in support of the  
1129 application~~[[.]]; and~~

1130 j. a letter from the Department of Permitting Services denying a  
1131 building permit application.

1132 \* \* \*

1133 **Section 7.3.3. Sketch Plan**

1134 \* \* \*

1135 **B. Application Requirements**

1136 \* \* \*

1137 3. The applicant must submit the following for review:

1138 \* \* \*

1139 e. list of any civic, ~~[[renters, and]]~~ homeowners, and renters  
1140 associations that are registered with the Planning Department  
1141 and located within 1/2 mile of the site;

1142 \* \* \*

1143 h. illustrative plans showing:

1144 \* \* \*

1145 v. relationships [between existing or] of proposed [adjacent]  
1146 buildings to adjacent existing or proposed buildings and  
1147 rights-of-way;

1148 \* \* \*

1149 **C. Hearing Date**

1150 The Planning Board must schedule a public hearing to begin within 90 days  
1151 after the date an application was accepted. If a sketch plan application is  
1152 accepted for concurrent review with a preliminary plan, the Planning Board  
1153 may schedule the public hearing to begin within 120 days after the date the  
1154 applications were accepted. The Planning Director may postpone the public  
1155 hearing by up to 30 days once without Planning Board approval. The  
1156 Planning Director or applicant may request an extension beyond the original  
1157 30 days with Planning Board approval. Any extension of the public hearing  
1158 must be noticed by mail and on the hearing agenda with the new public  
1159 hearing date indicated.

1160 \* \* \*

1161 **I. Amendments**

1162 [During site plan review, the Planning Board may approve an amendment to  
1163 any binding element or condition of an approved sketch plan.] An  
1164 amendment to any binding element or condition of an approved sketch plan  
1165 must follow the same procedures, meet the same criteria, and satisfy the  
1166 same requirements as the original sketch plan application, unless the sketch  
1167 plan is amended during site plan review. If the sketch plan is [[amending]]  
1168 amended during site plan review:

1169 1. An amendment to a binding element or condition of an approved  
1170 sketch plan must be:

1171 \* \* \*

1172 **Section 7.3.4. Site Plan**

1173 **A. Applicability and Description**

1174 1. [Development under the optional method requires approval of a site  
1175 plan after approval of a sketch plan.] Site plan approval is required as  
1176 indicated in the table in Section 7.3.4.A.8 and as specified in this  
1177 Chapter.

1178 2. [Development under a Floating zone requires approval of a site plan  
1179 after approval of a floating zone plan.] Reserved

1180 3. [Development under the standard method requires site plan approval  
1181 as indicated in the table in Section 7.3.4.A.8.] Reserved

1182 \* \* \*

1183 8. A site plan is required under standard method development for any  
1184 new construction or expansion of an existing structure, where the  
1185 proposed intensity includes any existing structure and the expansion,  
1186 as follows:

1187 \* \* \*

1188 **B. Application Requirements**

1189 \* \* \*

1190 2. The applicant must submit the following for review:

1191 \* \* \*

1192 e. list of any civic, [[renters, and]] homeowners, and renters  
1193 associations that are registered with the Planning Department  
1194 and located within 1/2 mile of the site;

1195 \* \* \*

- 1196 l. plans of proposed development showing:  
1197 i. use, footprints, ground-floor layout, and heights of all  
1198 ~~[[building]]~~ buildings and structures;

1199 \* \* \*

1200 **G. Subsequent Actions**

1201 \* \* \*

1202 **2. Permits Exempt from Conformance to Approved Site Plans**

1203 \* \* \*

- 1204 c. On a property where a site plan was approved, any owner or  
1205 owners' association may, without finding of conformance to the  
1206 approved site plan, change landscaping that was not required as  
1207 a condition of approval for screening or install a site element or  
1208 construct a [paved surface or] structure other than a building  
1209 that meets all applicable development standards under Article  
1210 59-4 and general requirements under Article 59-6 and does not  
1211 conflict with any conditions of approval. A structure allowed  
1212 under [[this Section (]Section 7.3.4.G.2.c[)]]] must not conflict  
1213 with any necessary finding required for site plan approval.

1214 \* \* \*

1215 **J. Amendments**

1216 Any property owner may apply for a site plan amendment to change a  
1217 certified site plan. There are two types of amendments[.]: a major and a  
1218 minor amendment.

1219 **1. Major Amendment**

1220 [A major amendment to an approved site plan must follow the same  
1221 procedures, meet the same criteria, and satisfy the same requirements  
1222 as the original site plan, except as modified under Section 7.3.4.J.1.b.]

- 1223 a. A major amendment includes any request to increase density or  
1224 height; change a use; decrease open space; [or to make a change  
1225 to any condition] deviate from a binding element or a condition  
1226 of approval; or alter a basic element of the plan.
- 1227 b. [The Planning Board may approve an uncontested major  
1228 amendment on its consent agenda if the Planning Director  
1229 publishes a report and recommendation on the amendment a  
1230 minimum of 10 days before the Planning Board meeting.]  
1231 Public notice is required under Division 7.5.
- 1232 c. A major amendment must follow the same hearing procedures  
1233 and satisfy the same necessary findings as the original site plan.
- 1234 ~~[[d. Additional requirements may be established by the Planning~~  
1235 ~~Department.]]~~

1236 2. **Minor Amendment**

- 1237 a. [The Planning Director may approve a minor amendment to an  
1238 approved site plan.] A minor amendment includes any change  
1239 to a parking or loading area, landscaping, sidewalk, recreational  
1240 facility or area, configuration of open space, or any other plan  
1241 element that will have a minimal effect on the overall design,  
1242 layout, quality or intent of the plan. A minor amendment also  
1243 includes a reduction in approved parking to satisfy Article 59-6.  
1244 A minor amendment [includes] does not include any change  
1245 that [does not increase] increases density or height[;]  
1246 [decrease a setback abutting a detached residential use; or alter  
1247 the intent, objectives, or requirements of the Planning Board in  
1248 approving the site plan] or prevents circulation on any street or

1249 path. [A minor amendment may also be approved to reduce the  
1250 approved parking to satisfy Article 59-6.]

1251 [a] b. Public notice is required under Division 7.5.

1252 [b] c. A minor amendment may be approved by the Planning Director  
1253 without a public hearing if no objection to the application is  
1254 received within 15 days after the application notice is sent. If an  
1255 objection is received within 15 days after the application notice  
1256 is sent, and the objection is considered relevant, [A] a public  
1257 hearing is required [if an objection to the application is received  
1258 within 15 days after the notice of the filed application is sent].  
1259 A public hearing must be held under the same procedures as an  
1260 original application. [If an objection to the application is not  
1261 received within the 15 days, a public hearing is not required.]

1262 \* \* \*

1263 **Sec. 27. DIVISION 7.4 is amended as follows:**

1264 **Division 7.4. Administrative Approvals**

1265 **Section 7.4.1. Building Permit**

1266 \* \* \*

1267 **C. Review and Recommendation**

1268 DPS must submit the application to the Planning Director for review for any  
1269 building permit that requests:

- 1270 1. construction of a new principal structure;
- 1271 2. construction that increases the gross floor area of an existing  
1272 commercial structure; or
- 1273 3. construction that increases the gross floor area of any residential  
1274 structure by more than 50% of the existing gross floor area.

1275 The Planning Director must confirm in writing that the application satisfies  
 1276 this Chapter and that the property has all necessary approvals required by the  
 1277 Planning Department and Planning Board.

1278 \* \* \*

1279 **Sec. 28. DIVISION 7.5 is amended as follows:**

1280 **Division 7.5. Notice Standards**

1281 **Section 7.5.1. Notice Required**

1282 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               |
| ***                            |           |                       |                  |                    |                |                   |                             |                 |

1283 **Section 7.5.2. Notice Specifications**

1284 \* \* \*

1285 **B. Pre-Submittal Meeting**

- 1286 1. Before an application may be accepted, the applicant must hold a  
1287 public meeting to present the proposed application and respond to  
1288 questions and comments. The meeting must be held no more than 90  
1289 days before filing the application.
- 1290 2. The applicant must post a sign advertising the pre-submittal meeting,  
1291 equivalent to the requirement for an application sign, a minimum of  
1292 15 days before the meeting[, but no more than 90 days before filing  
1293 the application].
- 1294 3. The applicant must send notice advertising the pre-submittal meeting  
1295 to the same recipients required under Section 7.5.2.E.1, [[hearing  
1296 notice]] Hearing Notice, a minimum of 15 days before the meeting.
- 1297 4. The notices must include the date and place of meeting, applicant,  
1298 application number and name, location of property, property size,  
1299 zone, proposed use, and density of development[, and phone and  
1300 website for the applicable intake agency].

1301 \* \* \*

1302 **C. Application Sign**

- 1303 1. The applicant must post at least one sign along every frontage [within  
1304 5 days after an application is accepted]; if the frontage is more than  
1305 500 feet, a sign must be posted at least every 500 feet.
- 1306 a. For a sketch plan, site plan, or major site plan amendment  
1307 application, the sign must be posted before an application is  
1308 accepted.
- 1309 b. For a Local Map Amendment, conditional use, or variance  
1310 application, the sign must be posted within 5 days after an  
1311 application is accepted.
- 1312 2. The sign must meet the following specifications:

1313 a. For a sketch plan, site plan, or major site plan amendment  
1314 application, the applicant must use the sign template provided  
1315 by the Planning Department.

1316 b. For a Local Map Amendment, conditional use, or variance  
1317 application, [The] the sign must:

1318 i. be made of a durable material;

1319 ii. be a minimum of 24 inches tall by 36 inches wide;

1320 iii. have a white or yellow ~~[[in]]~~ background color; and

1321 iv. ~~[[with]]~~ have black lettering and characters at least 2  
1322 inches in height.

1323 3. The sign must include:

1324 [a. the date of filing;]

1325 [b] a. application number and name;

1326 [c] b. requested zone, if a Local Map Amendment;

1327 [d] c. proposed use, density, or structure description, if not a Local  
1328 Map Amendment; and

1329 [e] d. [and] telephone number and website for the applicable intake  
1330 agency.

1331 **D. Application Notice**

1332 1. When an application is accepted, the applicant must send notice of the  
1333 application to all abutting and confronting property owners~~[[,]]~~; civic,  
1334 ~~[[renters, and]]~~ homeowners, and renters associations that are  
1335 registered with the Planning Board and located within 1/2 mile of the  
1336 site~~[[,]]~~; any municipality within 1/2 mile~~[[,]]~~; and, if applicable, pre-  
1337 submittal meeting attendees [if applicable] who request to be a party  
1338 of record. A condominium's council of unit owners may be notified  
1339 instead of the owner and residents of each individual condominium.

1340 [[The deciding body may require additional noticing according to its  
1341 approved rules of procedure.]]

1342 2. The notice must [include] identify the applicant[,] and include the  
1343 application type, number, and project name[[,]]; location of  
1344 property[[,]]; property size[[,]]; zone (and requested zone, if  
1345 applicable) [[,]]; proposed use and density of development [[,]];  
1346 [[items]] changes covered by the proposed amendment, if  
1347 applicable [[,]]; and telephone number and website for the applicable  
1348 intake agency.

1349 **E. Hearing Notice**

1350 1. [The deciding body must send notice of the hearing within 5 days  
1351 after an application is accepted to] Hearing notice must be sent to all  
1352 abutting and confronting property owners [[,]]; civic, [[renters, and]]  
1353 homeowners, and renters associations that are registered with the  
1354 Planning Board and located within 1/2 mile [[,]] of the site; any  
1355 municipality within 1/2 mile [[,]]; and, if applicable, pre-submittal  
1356 meeting attendees [if applicable] who request to be a party of record.  
1357 A condominium's council of unit owners may be notified instead of  
1358 the owner and residents of each individual condominium. [[The  
1359 deciding body may require additional noticing according to its  
1360 approved rules of procedure.]]

1361 a. The District Council, Hearing Examiner, and Board of Appeals,  
1362 as applicable, must send notice of the hearing [[within 5 days  
1363 after an application is accepted]] a minimum of 30 days before  
1364 the scheduled hearing date.

1365 b. The Planning Board must send notice of the hearing a minimum  
1366 of 10 days before the scheduled hearing date.

1367 \* \* \*

1368 4. A hearing may be postponed or continued if the time and place of the  
1369 continued hearing is publicly announced at the time of the  
1370 adjournment or notice is given to all parties of record [[as required for  
1371 the original application]] a minimum of 10 days before the next  
1372 scheduled hearing date.

1373 \* \* \*

1374 **F. Resolution Notice**

1375 1. The deciding body or its designee must [[provide]] issue notice of the  
1376 approved resolution or opinion to [[all parties that were notified of the  
1377 hearing]] the applicant and any additional parties of record [[within 10  
1378 days after]] on the day a resolution or opinion is issued.

1379 \* \* \*

1380 **H. Website Posting**

1381 \* \* \*

1382 2. [When the Planning Director provides a recommendation report on an  
1383 application decided by the Planning Board, the Planning Director  
1384 must post the recommendation report on the Planning Board's website  
1385 a minimum of 10 days before the Planning Board hearing. In cases  
1386 where an application is decided by the Hearing Examiner, the Board  
1387 of Appeals, or the District Council, the Planning Director's  
1388 recommendation report must be posted on the Planning Board's  
1389 website a minimum of 7 days before the Planning Board meeting.]  
1390 When the Planning Director provides a recommendation report for the  
1391 Planning Board, the report must be posted on the Planning Board's  
1392 website, as indicated in Division 7.2 and Division 7.3.

1393 \* \* \*

1394           **Sec. 29. DIVISION 7.6 is amended as follows:**

1395       **DIVISION 7.6. Special Provisions**

1396       **Section 7.6.1. Board of Appeals**

1397       \*   \*   \*

1398       **C.    Filing of Appeals**

1399       \*   \*   \*

1400           5.    When an administrative appeal is made, the Board of Appeals must  
1401                send notice of the hearing [[within 5 days of the request for appeal]] a  
1402                minimum of 30 days before the scheduled hearing date to DPS[[,]];  
1403                the State Highway Administration[[,]]; the County Board of  
1404                Education[[,]]; all abutting and confronting property owners[[,]];  
1405                civic, [[renters, and]] homeowners, and renters associations that are  
1406                registered with the Planning Department and located within ½  
1407                mile[[,]]of the site; any municipality within ½ mile[[,]]; and pre-  
1408                submittal attendees [if applicable] who request to be a party of record.  
1409                A condominium’s council of unit owners may be notified instead of  
1410                the owner and residents of each individual condominium.

1411       \*   \*   \*

1412           **Sec. 30. DIVISION 7.7 is amended as follows:**

1413       **DIVISION 7.7. Exemptions and Nonconformities**

1414       **Section 7.7.1. Exemptions**

1415       **A.    Existing Structure, Site Design, or Use on October 30, 2014**

1416           **1.    Structure and Site Design**

1417                A legal structure or site design existing on October 30, 2014 that does  
1418                not meet the zoning standards on or after October 30, 2014 is  
1419                conforming and may be continued, renovated, repaired, or  
1420                reconstructed if the floor area, height, and footprint of the structure

1421 ~~[[is]]~~ are not increased, except as provided for in Section 7.7.1.C for  
 1422 structures in Commercial/Residential, Employment, or Industrial  
 1423 zones, or Section 7.7.1.D.5 for structures in Residential Detached  
 1424 zones. ~~[[A use located in a building or structure deemed conforming~~  
 1425 ~~under this Section (Section 7.7.1.A.1) may be converted to any~~  
 1426 ~~permitted, limited, or conditional use up to the density limits for the~~  
 1427 ~~use established by the current zoning.]]~~

1428 \* \* \*

1429 **2. Use**

- 1430 a. Except for a Registered Living Unit, any use that was
- 1431 conforming or not nonconforming on October 29, 2014 and that
- 1432 would otherwise be made nonconforming by the application of
- 1433 zoning on October 30, 2014 is conforming, but may not expand.
- 1434 b. Any allowed use, up to the density limits established by the
- 1435 current zoning, may be located in a building or structure
- 1436 deemed conforming under Section 7.7.1.A.1.

1437 **B. Application Approved or Filed for Approval before October 30, 2014**

1438 **1. Application in Progress before October 30, 2014**

1439 Any development plan, schematic development plan, diagrammatic  
 1440 plan, concept plan, project plan, sketch plan, preliminary plan, record  
 1441 plat, site plan, special exception, variance, or building permit filed or  
 1442 approved before October 30, 2014 must be reviewed under the  
 1443 standards and procedures of the ~~[[Zoning Ordinance in effect]]~~  
 1444 property's zoning on October 29, 2014, unless an applicant elects to  
 1445 be reviewed under the property's current zoning. Any complete Local  
 1446 Map Amendment application submitted to the Hearing Examiner by  
 1447 May 1, 2014~~[[,]]~~ must be reviewed under the standards and

1448 procedures of the [Zoning Ordinance in effect] property's zoning on  
1449 October 29, 2014. If the District Council approves such an application  
1450 after October 30, 2014 for a zone that is not retained in Chapter 59,  
1451 then the zoning will automatically convert to the equivalent zone as  
1452 translated under DMA G-956 when the Local Map Amendment is  
1453 approved. The approval of any of these applications or amendments to  
1454 these applications under Section 7.7.1.B.1 will allow the applicant to  
1455 proceed through any other required application or step in the process  
1456 within the time allowed by law or plan approval, under the standards  
1457 and procedures of the Zoning Ordinance in effect on October 29,  
1458 2014. The gross tract area of an application allowed under [[this  
1459 Section (]]Section 7.7.1.B.1[[)]]] may not be increased.

1460 \* \* \*

1461 **3. [Plan] Amendment of an Approved Plan [for Plans Approved] or**  
1462 **Modification of an Application Pending before October 30[,] 2014**

- 1463 a. Until October 30, 2039, an applicant may apply to amend any  
1464 previously approved [application] plan or modify an application  
1465 pending before October 30, 2014 (listed in Section 7.7.1.B.1 or  
1466 Section 7.7.1.B.2)[,] under the development standards and  
1467 procedures of the property's zoning on October 29, 2014, if the  
1468 amendment:
- 1469 i. does not increase the approved density or building height,  
1470 unless allowed under Section 7.7.1.C; and
  - 1471 ii. either:
    - 1472 (a) retains at least the approved setback from property  
1473 in a Residential Detached zone that is vacant or  
1474 improved with a Single-Unit Living use; or

1475 (b) satisfies the setback required by its zoning on the  
1476 date the amendment or the permit is submitted[.];

1477 and

1478 iii. does not increase the [[gross]] tract area.

1479 b. An applicant may apply [[for a minor site plan amendment]] to  
1480 amend the parking requirements of a previously approved  
1481 application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner  
1482 that satisfies the parking requirements of Section 6.2.3 and  
1483 Section 6.2.4.

1484 \* \* \*

1485 **5. Development with a Development Plan or Schematic Development**  
1486 **Plan Approved before October 30, 2014**

1487 a. Any development allowed on property where the zoning  
1488 classification on October 29, 2014 was the result of a Local  
1489 Map Amendment must satisfy any binding elements until:

1490 i. the property is subject to a Sectional Map Amendment  
1491 that implements a master plan approved after October 30,  
1492 2014 and obtains approval for development under the  
1493 SMA-approved zoning;

1494 ii. the property is rezoned by Local Map Amendment; or

1495 iii. the binding element is revised by a development plan  
1496 amendment under the procedures in effect on October 29,  
1497 2014.

1498 \* \* \*

1499 **C. Expansion of Floor Area [Existing on October 30, 2014]**

1500 **1. Limited Rights under Zoning before October 30, 2014**

1501 Until October 30, 2039, on land that is located in a  
 1502 Commercial/Residential, Employment, or Industrial zone, an  
 1503 applicant for an amendment to an existing approval or development,  
 1504 or a modification of an application listed in Section 7.7.1.B.1 may  
 1505 increase the floor area on the site under Section 7.7.1.C.2 or 7.7.1.C.3  
 1506 following the procedures and standards of the property’s zoning on  
 1507 October 29, 2014:

1508 \* \* \*

1509 **2. [All Prior] Commercial/Residential, Employment, and Industrial**  
 1510 **Zones**

1511 Existing development in a Commercial/Residential, Employment, or  
 1512 Industrial zone may expand by up to the lesser of 10% of the gross  
 1513 floor area approved for the site on October 30, 2014 or 30,000 square  
 1514 feet, except for properties with 2,000 square feet or less of floor area,  
 1515 which may expand by up to 30% of the gross floor area approved for  
 1516 the site on October 30, 2014. Any expansion must satisfy Section  
 1517 7.7.1.C.1. The gross floor area in a pending application listed in  
 1518 Section 7.7.1.B.1 may be expanded up to the full amount allowed  
 1519 under the property’s zoning on October 29, 2014, but once the  
 1520 application is approved, the gross floor area may expand by up to the  
 1521 lesser of 10% of the gross floor area or 30,000 square feet.

1522 \* \* \*

1523 **4. Expansion above Section 7.7.1.C.2**

1524 [Any] If any [[portion of an enlargement]] expansion [that] exceeds  
 1525 Section 7.7.1.C.2, then the entire [[enlargement]] expansion must  
 1526 satisfy the applicable standards and procedures for the current zoning.  
 1527 After October 30, 2039, any amendment to a previously approved

1528 application must satisfy the applicable standards and procedures for  
1529 the current zoning to the extent of (a) any expansion, and (b) any other  
1530 portion of an approved development [that the amendment changes]  
1531 associated with the expansion.

1532 **D. Residential Lots and Parcels**

1533 **1. Residential Lot**

1534 Unless adjoining lots have merged by virtue of ownership and zoning  
1535 requirements, DPS may issue a building permit for a detached house  
1536 on any Residential or Rural Residential zoned lot or parcel identified  
1537 either on a plat recorded before October 30, 2014 or a deed recorded  
1538 before June 1, 1958, without regard to the street frontage and lot size  
1539 requirements of its zoning, except as provided in Section 7.7.1.D.3.b.

1540 \* \* \*

1541 **6. Exempted Lots and Parcels in the RE-2, RE-2C, and RE-1 [Zone]**  
1542 **Zones**

1543 a. A lot or parcel in the RE-2, RE-2C, or RE-1 zone, in addition to  
1544 other exemptions in this subsection, is exempt from the lot area  
1545 and [[dimension]] lot width requirements of its zone, but must  
1546 satisfy the requirements of the zone applicable to it before its  
1547 classification to the RE-2, RE-2C, or RE-1 zone if:

1548 i. the record lot was approved for recordation by the  
1549 Planning Board before the approval date of the most  
1550 recent Sectional Map Amendment that included the lot;

1551 or

1552 ii. the lot was created by deed on or before the earlier of  
1553 either the approval date of the most recent Sectional Map  
1554 Amendment that included the lot or October 30, 2014.





1609 minimum lot area requirements and lot width requirements of  
1610 the Rural Cluster zone, but must satisfy the requirements of the  
1611 zone applicable to it before its classification to the RC zone if:

1612 [[d]] i. the lot was created by deed executed on or before the  
1613 earliest of the following dates:

1614 - the approval date of the most recent Sectional  
1615 Map Amendment that included the lot; [[or]]

1616 - the approval date of the most recent Local Map  
1617 Amendment that included the lot;

1618 - October 30, 2014; or

1619 [[e]] ii. the [[record]] recorded lot has an area of less than 5 acres  
1620 and was created before the earliest of:

1621 - the approval date of the most recent Sectional  
1622 Map Amendment that included the lot;

1623 - the approve date of the most recent Local Map  
1624 Amendment that included the lot[.];or

1625 - October 30, 2014

1626 by replatting 2 or more lots, provided that the resulting  
1627 number of lots is not greater than the number of lots that  
1628 were replatted.

1629 **9. Exempted Lots and Parcels in the Agricultural Reserve Zone**

1630 A lot or [[a]] parcel in the Agricultural Reserve (AR) zone, in addition  
1631 to other exemptions in this subsection, is exempt from the minimum  
1632 lot area requirements and [[dimension]] lot width requirements of the  
1633 AR zone, but must satisfy the requirements of the zone applicable to it  
1634 before its classification to the AR zone if:

- 1635           a.    the lot or parcel was created [[by deed executed]] before [[the  
1636                    approval date of the most recent Sectional Map Amendment  
1637                    that initially zoned the property to the RDT zone]] January 6,  
1638                    1981; or  
1639           b.    the [[record]] recorded lot has an area of less than 5 acres and  
1640                    was created after [[the approval date of the Sectional Map  
1641                    Amendment that initially zoned the property to the RDT zone,]]  
1642                    January 6, 1981 by replatting 2 or more lots, provided that the  
1643                    resulting number of lots is not greater than the number of lots  
1644                    that were replatted.

1645   \*   \*   \*

1646           **Sec. 31. DIVISION 8.1 is amended as follows:**

1647           **Division 8.1. In General**

1648           **Section 8.1.1. Applicability**

1649           The zones in Article 59-8 were applied by Local Map Amendment before this  
1650           Zoning Ordinance was adopted. These zones may appear on the digital zoning  
1651           map, but they cannot be requested by any property owner under a Local Map  
1652           Amendment or confirmed or applied to any [additional] property under a Sectional  
1653           Map Amendment adopted after October 30, 2014.

1654   \*   \*   \*

1655           **Section 8.1.2. Modification of Zones**

1656           **A.    Amending a Development Plan**

1657           An amendment to an approved development plan or schematic development  
1658           plan in any zone in Article 59-8 must follow:

- 1659           1.    the procedures for amendment of a development plan under the  
1660                    zoning ordinance in effect on October 29, 2014;  
1661           2.    the parking, queuing, and loading standards in Division 6.2; and

1662 3. the signage standards in Division 6.7.

1663 Division 7.7 does not apply to the zones in Article 59-8.

1664 \* \* \*

1665 **Sec. 32. DIVISION 8.2 is amended as follows:**

1666 **Division 8.2. Residential Floating Zones**

1667 \* \* \*

1668 **Section 8.2.4. RT Zone General Requirements and Development Standards**

1669 **A. RT Zone, In General**

1670 **1. Combined Tracts**

1671 A tract in the RT zone may be combined with a tract in another  
1672 Residential zone, with site plan approval under Section 7.3.4, if:

1673 \* \* \*

1674 c. the amount of [common open space] green area in the combined  
1675 tract is, at a minimum, the total required for the separate tracts;

1676 \* \* \*

1677 **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%     |
| * * *   |        |        |         |         |         |

1678 **C. RT Zone Development Including MPDUs**

1679 \* \* \*

1680 **1. Development Standards**

1681 a. The development standards in Section 8.2.4.B may be modified  
1682 as follows:

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

1683 **Section 8.2.5. R-H Zone General Requirements and Development Standards**

1684 \* \* \*

1685 **B. R-H Zone Standard Method Development Standards**

| 1. Lot   | R-H |
|--|-----|
| * * *  |     |
| <b>[Common Open Space] <u>Green Area</u> (min)</b> |     |
| [Common open space] <u>Green Area</u> (% of lot)   | 55% |
| * * *  |     |

1686 **C. R-H Zone Special Regulations for a Development with MPDUs**

1687 \* \* \*

1688 1. The [common open space] green area may be reduced to a minimum  
1689 of 35%, if required to accommodate the construction of all workforce  
1690 housing units on-site.

1691 \* \* \*

1692 **Sec. 33. DIVISION 8.3 is amended as follows:**

1693 **Division 8.3. Planned Unit Development Zones**

1694 \* \* \*

1695 **Section 8.3.2. PD Zone**

1696 \* \* \*

1697 **C. Development Standards**

1698 1. The maximum density allowed, and minimum [open space] green area  
 1699 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. |   |  |

1700 \* \* \*

1701 **Section 8.3.5. Planned Retirement Community Zone**

1702 \* \* \*

1703 **C. Development Standards**

1704 \* \* \*

1705 **4. Coverage and [Common Open Space] Green Area**

- 1706 a. In a development of 750 acres or more:
- 1707 i. a maximum of 15% of the gross area may be covered by
- 1708 residential buildings; and
- 1709 ii. a minimum of 65% of the gross area must be devoted to
- 1710 [common open space] green area.
- 1711 b. In a development of less than 750 acres, a minimum of 50% of
- 1712 the gross area must be devoted to [common open space] green
- 1713 area.

1714 \* \* \*

1715 **Section 8.3.6. Planned Cultural Center Zone**

1716 \* \* \*

1717 **C. Development Standards**

1718 \* \* \*

1719 **2. Coverage and [Public Open Space] Green Area**

1720 \* \* \*

1721 b. A minimum of 30% of the total site area included in the  
1722 development plan must be maintained as [public open space]  
1723 green area; however, the District Council may reduce this  
1724 requirement if it finds that comparable amenities or facilities  
1725 provided in lieu of [open space] green area are sufficient to  
1726 accomplish the purposes of the zone and would be more  
1727 beneficial to the proposed development than strict adherence to  
1728 the specific [public open space] green area requirements.

1729 \* \* \*

1730 **Sec. 34. Effective date.** This ordinance becomes effective 20 days after the  
1731 date of Council adoption.

1732

1733 This is a correct copy of Council action.

1734

1735

1736 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council



**Zoning Text Amendment - Modifications, Corrections and Clarifications**

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**Modified: 5/14/15**

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**Description**

This Zoning Text Amendment (ZTA) clarifies language, corrects errors, and generally amends language in the new zoning ordinance. The changes requested by this ZTA have been brought to Planning Staff's attention over the past 6 months, since the effective date of the new code. For this reason, it is appropriate for the Planning Board to request introduction of this ZTA instead of the County Council.

**Summary**

**Staff recommends transmittal of the Zoning Text Amendment (ZTA) to County Council for introduction. The ZTA includes clarifications and corrections based on implementation of the new zoning ordinance by the Planning Department, the Department of Permitting Services (DPS), the Office of Zoning and Administrative Hearings (OZAH), and other stakeholders.**

**Background/Analysis**

The new zoning ordinance was adopted on March 5, 2014, and became effective on October 30, 2014. ZTA 14-09, which addressed initial corrections and clarifications to the zoning ordinance, was adopted on September 30, 2014, and also became effective on October 30, 2014. Since its effective date, widespread use of the new zoning ordinance has revealed text in need of clarification or correction, as well as a few substantive concerns. While a majority of the proposed revisions are minor in nature, some notable modifications to the code are also proposed.

The substantive issues addressed in this ZTA include:

- Revision of the definition of right-of-way and building height.
- Limit the application of the general conditional use standards for an accessory apartment.

- Modification of 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.
- Modifications to the process for amending a site plan.
- Amendment of the noticing standards for projects approved by the Planning Board (sketch plan, site plan, and major site plan amendments).
- Clarification of the provision for expansions above the amount “grandfathered” under a prior zone (typically the lesser of 10% or 30,000 square feet).

Each of these issues, and the language proposed to address each concern, is summarized in the “Substantive Changes” section below.

In addition to the more substantive change this ZTA proposes revisions to correct editorial errors characterized as unintentional changes from the prior zoning code. The ZTA also clarifies provisions that have been noted as confusing or unclear. Such changes, except those that only correct formatting or grammatical errors, are summarized in the “Language Clarification and Error Correction” section of this report.

### **SUBSTANTIVE CHANGES**

- 1) Section 1.4.2: Add language to the definition of *Right-of-Way* to clarify that a private road located in an easement, but not necessarily placed in a separately platted lot or parcel, is also considered a right-of-way. Adding this language ensures that any building located on a private street, whether platted or under easement, is treated as a right-of-way with respect to any applicable development standards. Recent work on the rewrite of the Subdivision Regulations motivated this proposed revision when it became evident that requiring separately platted lots or parcels for private roads would make it difficult, if not impossible, to build desirable urban features, such as an underground parking garage under more than a single building .

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

- 2) Section 3.3.3.A.2.c: Add language to limit the scope of the findings the Hearing Examiner must make when reviewing an accessory apartment conditional use application that is filed to deviate from the on-site parking or spacing requirements. While the Hearing Examiner would not make any of the general conditional use findings under Section 7.3.1.E, the Hearing Examiner would still verify that the application satisfied all applicable limited use standards. The Planning Department has received feedback that the scope of the conditional use approval for this type of accessory apartment application is too onerous given that accessory apartments are an

important component of the County's affordable housing stock. In addition, while the Planning Board is unclear if this change modifies the Council's intent when it approved ZTA 12-11, the Board feels this change is consistent with the general intent of that ZTA, which was to make the review process for an accessory apartment less onerous. Also clarify that the limited use standards in Section 3.3.3.B.2. or Section 3.3.3.C, as applicable, must be satisfied when an *Accessory Apartment* conditional use application is filed under this Section.

c. *Where an Accessory Apartment conditional use application is filed under Section 3.3.3.A.2.b, the Accessory Apartment may be permitted by the Hearing Examiner under the limited use standards in Section 3.3.3.A.2.a, Section 3.3.3.B.2, or Section 3.3.3.C.2.a, [and] under Section 7.3.1, Conditional Use (excluding Section 7.3.1.E), and the following standards:*

3) Section 4.1.7.C.2.a: At the request of DPS, modify the definition of *Building Height in Commercial/ Residential, Employment, and Industrial Zones* to establish a uniform process for measuring building height on corner lots, regardless of lot size. The ZTA also includes a clarification that building height must always be measured from the curb grade opposite the middle of the front of the building, even if the building is on a corner lot.

a. *Building height is always measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. [On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade.] For a corner lot or a lot extending through from street to street, the height [may] must be measured from [either] the curb grade opposite the middle of the front of a building.*

4) Section 4.6.3.D.3; Section 4.6.3.D.5; Section 4.6.3.E.3; Section 4.6.3.E.5: Modify language in the placement and form specifications for the LSC and EOF zones under the standard method development. Similar to ZTA 15-05, the amended language would allow the Planning Board flexibility to modify some of the form standards, in this instance *the Parking Setbacks for Surface Parking Lots, Build-to Area, Building Orientation, and Transparency* requirements, under site plan review provided certain findings can be made.

***Specification for Parking Setbacks for Surface Parking Lots and Build-to Area***

a. *Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to-line is recommended in the 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 deviates from*

those requirements only to the extent necessary to accommodate the characteristics of the subject property or the proposed use.<sup>1</sup>

**Specification for Building Orientation and Transparency**

- 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 deviates from those requirements only to the extent necessary to accommodate the characteristics of the subject property or the proposed use.*<sup>2</sup>
- 5) Section 7.3.4.J: Modify the site plan amendment language to make it more consistent with the prior zoning code. The new zoning code introduced a process for amending a site plan that was found to be both inefficient and overly burdensome once implemented.

**J. Amendments**

Any property owner may apply for a site plan amendment to change a certified site plan. There are two types of amendments, a major and a minor amendment.

**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.

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<sup>1,2</sup> ZTA 15-05 proposes modifications to the Placement and Form standards for the C/R zones. Following adoption of ZTA 15-05 similar modifications to the Placement and Form standards for the LSC and EOF zones should be made for consistency.

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 [also includes] does not include any change that [does not increase] increases density or height; [decrease a setback abutting a detached residential use; or alter the intent, objectives, or requirements of the Planning Board in approving the site plan] or prevents circulation on any street or path. [A minor amendment may also be approved to reduce the approved parking to satisfy Article 59-6.]

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

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

6) Division 7.5. Notice Standards

- Section 7.5.1; Section 7.5.2.D; Section 7.5.2.E.1: For sketch plan, site plan, and major site plan amendment applications, add a requirement to the table in Section 7.5.1 that requires an applicant to send out an application notice when the application is accepted (instead of the Planning Board sending out hearing notice when the application is accepted). Modify hearing notice so that Planning Board must send notice 10 days prior to the scheduled hearing. Also add a provision allowing the deciding body to require additional application notice according to approved rules of procedure.

The Planning Department has found that application noticing by the applicant, which was the practice under the old code, is more efficient than the procedure in the new code, which requires the Planning Department to send out hearing notice when the

application is accepted. Although the Planning Department is working toward a 120 day review period, a thirty day extension can be approved by the Director based on the circumstances of the case, and longer extensions can be granted by the Board. Any change from the original date would have to be re-noticed, and this could be both frustrating and confusing to the public. For purposes of transparency, the Planning Department also wants the option to once again require that application notice be mailed to homeowner and civic associations located within one mile of the property proposed for redevelopment. Thus, language has been added to allow any deciding body the ability to require additional noticing according to its approved rules of procedures. In addition, Section 7.5.2.D.2 includes a clarification that application noticing for amendments should include a summary of the proposed amendment. Section 7.5.2.D and Section 7.5.2.E have also been modified to include renters associations in the list of associations receiving notice.

#### **D. Application Notice**

1. *When an application is accepted, the applicant must send notice of the application to all abutting and confronting property owners, civic, renters, and homeowners associations within 1/2 mile, any municipality within 1/2 mile, and pre-submittal meeting attendees [if applicable] who request to be a party of record. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium. The deciding body may require additional noticing according to its approved rules of procedure.*
2. *The notice must [include] identify the applicant[,] and include the application number and project name, location of property, property size, zone (and requested zone, if applicable), proposed use and density of development, items covered by the proposed amendment, if applicable, and telephone number and website for the applicable intake agency.*

#### **E. Hearing Notice**

1. *[The deciding body must send notice of the hearing within 5 days after an application is accepted to] Hearing notice must be sent to all abutting and confronting property owners, civic, renters, and homeowners associations within 1/2 mile, any municipality within 1/2 mile, and pre-submittal meeting attendees [if applicable] who request to be a party of record. A condominium's council of unit owners may be notified instead of the owner and residents of each individual*

condominium. The deciding body may require additional noticing according to its approved rules of procedure.

a. The Hearing Examiner and Board of Appeals must send notice of the hearing within 5 days after an application is accepted.

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

- Section 7.5.2.C: For sketch plan, site plan, and a major site plan amendment add a requirement that the application sign be posted *before* an application is accepted, and require that the applicant use the sign template provided by the Planning Department. Also remove the requirement that the application sign include the date of filing, because the sign must be posted prior to the date of filing for sketch plan, site plans, and major site plan amendments.

### **C. Application Sign**

1. *The applicant must post at least one sign along every frontage [within 5 days after an application is accepted]; if the frontage is more than 500 feet, a sign must be posted at least every 500 feet.*

a. For a sketch plan, site plan, or major site plan amendment application, the sign must be posted before an application is accepted.

b. For a Local Map Amendment, conditional use, or variance application, the sign must be posted within 5 days after an application is accepted.

2. *The sign must meet the following specifications:*

a. For a sketch plan, site plan, or major site plan amendment application, the applicant must use the sign template provided by the Planning Department.

b. For a Local Map Amendment, conditional use, or variance application, [The] the sign must be made of a durable material; a minimum of 24 inches tall by 36 inches wide; white or yellow in background color; with black lettering and characters at least 2 inches in height.

3. *The sign must include:*

*[a. the date of filing;]*

*[b]a. application number and name;*

*[c]b. requested zone, if a Local Map Amendment;*

*[d]c. proposed use, density, or structure description, if not a  
Local Map Amendment; and*

*[e]d. telephone number and website for the applicable intake  
agency.*

- 7) Section 7.7.1.C.4: Modify the grandfathering language regarding expansions of buildings in Commercial/ Residential, Employment, or Industrial zones that existed or were approved prior to October 30, 2014. If an applicant wishes to exceed the expansion threshold under Section 7.7.1.C.2 (typically the lesser of 10% of the gross floor area approved for the site, or 30,000 square feet), then any new development, including the “grandfathered” amount, must meet the standards of the existing zone. This modification will make the application, review, and approval process for the expansion more straightforward for all stakeholders. As currently drafted, only the expansion above the grandfathered amount is required to meet the standards of the current zone thus requiring the application of two zoning ordinances for one expansion.

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

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

**Language Clarification and Error Correction**

*Article 59-1*

- Section 1.4.2. Specific Terms and Phrases Defined
  - Per request of DPS, add a definition of *Bay Window*, and include a requirement that it be primarily made of glass. This definition helps clarify the intent of the setback encroachment allowed for bay windows.

- Add a definition of *Entrance Spacing* (referenced in Section 1.4.2. and defined in Section 4.1.7.D.3) to clarify the intent of the entrance spacing requirement in C/R, EOF, and LSC zones.
- Correct the definition of *Home Occupation and Home Health Practitioner, Eligible Area* to also reference *Home Health Practitioner* at the end of the definition.
- Add definitions for *Lot Line, Side Lot Line, Side Street*; and clarify the definition of *Lot Line, Front*. These definitions clarify the setback and build-to area requirements.
- Modify the definition of *Site Element* to include a “paved surface” up to 625 square feet. This change will limit the amount of paved surface that may be added to a property with an approved site plan without the need for a site plan amendment.

*Article 59-3*

- Section 3.1.5.A.3: Remove *Ambulance, Rescue Squad (Private)* from the list of uses that are prohibited if a property in the AR zone is encumbered by a recorded TDR. *Ambulance, Rescue Squad (Private)* is a prohibited use in the AR zone making it unnecessary to state that the use is prohibited if the property is encumbered by a recorded TDR.
- Section 3.3.1.D.2.b.viii: In the conditional use standards for *Townhouse Living*, replace the reference to “alternative compliance” with a reference to a “parking waiver” to be consistent with the addition of the parking waiver provision in this ZTA (see Section 6.2.10).<sup>3</sup>
- Section 3.3.2.C.2.b: In the conditional use standards for *Independent Living Facility for Seniors or Persons with Disabilities*, add language to clarify that the maximum density is determined by the Hearing Examiner based on the development standards in the applicable zone. Also switch the order of standards iv. and v. to improve the readability of this Section.
- Section 3.3.3.C.2.a.iv.: Add the requirement that a detached house associated with a *Detached Accessory Apartment* must be at least 5 years old on the date of application. This correction is consistent with the intent of County Council when ZTA 12-11 was adopted.
- Section 3.5.1.B.2.b.i.(m): Delete the reference to Section 3.1.5 (Transferable Development Rights) in the use standards for *Animal Boarding and Care*. The use is allowed in the AR zone even if a property is encumbered by a TDR. This correction is consistent with the old zoning code.

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<sup>3</sup> Section 3.3.1.D.2.b. was adopted by ZTA 15-02 on April 21, 2015.

- Section 3.5.2.C.2.b.ii.: Clarify the required setback for a *Telecommunication Tower* from an existing dwelling in the Agricultural, Rural Residential and Residential zones. The setback is the greater of one foot for every foot of tower height or 300 feet. Also remove the reference to Industrial zones from the conditional use standards, as a *Telecommunication Tower* is a limited use in the Industrial zones.
- Section 3.5.4.A.2: Add a cross reference to Section 3.1.5. (Transferable Development Rights) to clarify that a *Cemetery* is prohibited if a property in the AR zone is encumbered with a TDR. Also add language to clarify that a family burial site *is* allowed if a property is encumbered by a TDR. These corrections are consistent with the old zoning code.
- Section 3.5.14.C.2.e: In the use standard for *Antenna on Existing Structure*, replace “detached residential dwelling” with “detached house” so the building type language is consistent throughout the code.
- Section 3.5.14.G.2.d. Add a cross reference to Section 3.1.5. (Transferable Development Rights) to clarify that *Lawn Maintenance Service* is prohibited if a property in the AR zone is encumbered with a TDR.
- Section 3.6.5.A: Correct the definition of *Mining, Excavation* to allow rock extraction to occur in the zones where *Mining, Excavation* is allowed.

*Article 59-4*

- Section 4.1.2.B: Add language to clarify that properties exempt from the platting requirements in Chapter 50 are also exempt from the requirement that “every new building must be located on a lot.” This correction is consistent with the old zoning code.
- Section 4.1.7.B.1.b.v: Remove the explanation of how to interpret a setback expressed as 2 numbers. This ZTA modifies all setbacks that are expressed as 2 numbers, so the explanation is no longer necessary (i.e. 4’ or 20’ is changed to 4’ for certain setbacks in Section 4.3.2. through Section 4.6.3.).
- Section 4.1.7.B.2: Clarify that the build-to area requirement also applies to the side street building façade, and that the build-to area for a front or side street building façade can also be measured from the right-of-way. Also clarify that drive aisles are prohibited in the build-to area, but access driveways perpendicular to the right-of-way are allowed. In addition, reorganize the language to clarify the definition of build-to area.
- Section 4.1.7.B.3.b: Clarify that the front or side street parking setback can also be measured from the right-of-way.

- Section 4.1.7.B.5.a.i; Section 4.1.7.B.5.a.ii; and Section 4.1.7.B.5.c: Clarify that the maximum encroachment allowed for certain building features into a side street setback is based on the width of the setback. On corner lots with a side street setback of at least 25', these building features may project 9 feet (instead of 3 feet) into the setback. This correction is consistent with the old zoning code.
- Section 4.1.7.B.5.a.vii: Per request by DPS, limit the total area of all bay windows and oriel on a building façade to 50% of the façade. This restriction will prevent house designs with an unreasonable amount of bay windows encroaching into setbacks.
- Section 4.1.7.C.1: Per request by DPS, modify the definition of *Building Height in Agricultural, Rural Residential, and Residential zones* to match the definition of *Height of a residential building in the R-60 and R-90 zones* from the old code. Height can be measured to the highest point of a roof surface, regardless of roof type.
- Section 4.1.7.C.2: Clarify that building height in Commercial/ Residential, Employment, and Industrial zones is always measured from the level of approved curb grade opposite the middle of the front of the building, even for corner lots.
- Section 4.1.7.D.3: Add a definition for *Entrance Spacing* to clarify that an entrance must be provided for a specified length of building façade, as specified in Division 4.5 and Division 4.6.
- Division 4.1 through Division 4.6: Replace the 4' or 20' requirement for *Front setback, private street or open space and Rear setback, alley* with a 4' requirement. The 4' or 20' requirement causes confusion and was found to be an impractical standard for many types of developments.

#### Rural Residential and Residential Detached Zones

- For standard method development in the R-90 (Section 4.4.8.B), R-60 (Section 4.4.9.B) and R-40 (Section 4.4.10.B) zones, modify the height language to match the old code (the maximum height, as measured to the highest point of a roof surface, regardless of roof type, is 35').
- For optional method cluster development in the RE-2C (Section 4.4.5.D.1), RE-1 (Section 4.4.6.D.1), R-200 (Section 4.4.7.C.1), and R-60 (Section 4.4.9.C) zones, add a provision from the old code to *Specification for Site under Cluster Development*. This provision allows the Planning Board to approve an optional method cluster development if the site abuts an existing cluster development in the same zone, even if the site does not satisfy the minimum usable area requirement. ZTA 14-09 added the same language for the R-90 zone.
- For optional method development in the RNC (Section 4.3.5.E), RE-2C (Section 4.4.5.D), RE-1 (Section 4.4.6.D), R-200 (Section 4.4.7.C), R-90 (Section 4.4.8.C), R-60 (Section 4.4.9.C), and R-40 (Section 4.4.10.C) zones, replace the lot coverage requirement for townhouses with a site coverage requirement, add a specification explaining how site coverage is calculated if

townhouses are included in a development, and reduce the townhouse lot area requirement for consistency with other townhouse development standards in the code.

- For optional method development in the R-90 (Section 4.4.8.C), R-60 (Section 4.4.9.C), and R-40 (Section 4.4.10.C) zones, reduce the common open space requirement by half. This change is a response to feedback that an optional method development including townhouses would be extremely difficult to develop due to the onerous open space requirements. Because common open space requirements in the new code have more stringent design criteria than the green area requirements under the old code, reducing the percentage requirement satisfies the intent to provide usable open space for the residents of the community in an amount equivalent to that required by green area in the old zoning ordinance.
- Section 4.3.2.B: Remove the statement that open space requirements are not changed in Optional Method Cluster Development, as the statement is not accurate.
- Section 4.3.4.D: For RC optional method, correct the specification for coverage to match the language in the RC standard method specification for coverage.
- Section 4.3.5.D: Add language to clarify that the RNC zone allows an optional method of development without the provision of MPDUs above those required in Chapter 25A, if recommended in a master plan. This optional method of development was allowed in the old code and inadvertently left out of the new code.
- Section 4.3.5.E: For RNC optional method, add language from the old code requiring that a developed lot that provides any portion of the rural open space be a minimum of 10 acres.
- Section 4.4.1: Clarify that standard method development in the Residential zones may require site plan approval according to the chart in Section 7.3.4.A.8.
- Section 4.4.2.A: For optional method MPDU development in Residential zones, delete the phrase “an increase in density above the total number of dwelling units allowed by standard method development.” In some cases, the mathematical density decreases in optional method.
- Section 4.4.2.B: For optional method cluster development in Residential zones, delete the sentence “The density of dwelling units per acre and open space requirements are not changed” as the sentence is not accurate.
- Section 4.4.5.C: Remove the sentence in optional method cluster development in RE-2C that says “site plan approval may also be required...” since site plan is now always required for optional method development in the Residential zones.
- Section 4.4.5.D: For RE-2C optional method cluster, increase the maximum lot coverage for a detached house. This correction is consistent with the old zoning code.

### Townhouse Zones

- For standard method development in the TLD (Section 4.4.11.B), TMD (Section 4.4.12.B), and THD (Section 4.4.12.B) zones, correct the following development standards:
  - Reduce common open space requirement. This change is a response to feedback that a townhouse development would be extremely difficult to build due to the onerous open space requirements. Because common open space requirements in the new code have more stringent design criteria than the green area requirements under the old code, reducing the percentage requirement satisfies the intent to provide usable open space for the residents of the community in amounts equivalent to that required by green area in the old zoning ordinance.
  - Increase site coverage for townhouses
  - Reduce lot area requirement for townhouses
  - Reduce the side street setback; the side setback, end unit (in TMD, THD only); the side setback between lot and site boundary; and the rear setback between lot and site boundary
  - Reduce the side street setback for an accessory structure

The Euclidean townhouse zone development standards under the new code were reviewed in more detail and applied to several approved projects – revealing that as written these standards are extremely difficult to satisfy.

- For optional method development in the TLD (Section 4.4.11.C), TMD (Section 4.4.12.C), and THD (Section 4.4.12.C) zones, correct the following development standards:
  - Modify usable area requirement
  - Reduce common open space requirement for the same reason described for the standard method Townhouse zones.
  - Replace lot coverage for townhouses with site coverage
  - Add a specification explaining how site coverage is calculated if townhouses are included in a development
  - Reduce the front setback from private streets or open space and reduce the side street setback
  - Delete coverage for all building types under placement (this was a mistake in the TLD zone only)

### Multi-Unit Zones

- For standard method development in the R-30 (Section 4.4.14.B), R-20 (Section 4.4.15.B), and R-10 (Section 4.4.16.B) zones:

- Reduce common open space requirements for townhouses and apartments. This change is a response to feedback that a townhouse development would be extremely difficult to build due to the onerous open space requirements. Because common open space requirements in the new code have more stringent design criteria than the green area requirements under the old code, reducing the percentage requirement satisfies the intent to provide usable open space for the residents of the community in amounts equivalent to that required by green area in the old zoning ordinance.
  - Increase site coverage for townhouses
  - Reduce lot area requirements for townhouses (R-30 and R-20 only)
  - Reduce the side street setback, and the side setback, end unit for townhouses
  - Reduce the side street setback for an accessory structure for townhouses
  - Remove entrance spacing requirement from R-10 because it is not required for any building types in this zone
- For optional method development in the R-30 (Section 4.4.14.C), R-20 (Section 4.4.15.C), and R-10 (Section 4.4.16.C) zones:
  - Modify usable area requirement
  - Reduce common open space requirement for the same reason described for the standard method Multi-Unit zones
  - Replace lot coverage requirement for townhouses and apartments with site coverage requirement
  - Add a specification explaining how site coverage is calculated if townhouses or apartment buildings are included in a development
  - Reduce the front setback from private street or open space for townhouses (also for detached houses and duplexes in R-30)
  - Reduce the side street setback for townhouses

#### Employment Zones

- Section 4.6.3.B.1: Add a reference to the table in Section 7.3.4.A.8 that indicates when site plan is required under standard method development so that applicants know they may have to go through site plan.
- Section 4.6.3.B.2: Add a provision that allows an applicant to file a site plan application to modify the Parking Setbacks for Surface Parking Lots, Build-to Area, Building Orientation, and Transparency requirements under EOF and LSC standard method development. This language mimics the language proposed for C/R standard method in ZTA 15-05, with the exception of the parking setbacks - the Employment zones already contained language to allow modifications by the Board.
- For standard method development in the GR and NR (Section 4.6.3.C), LSC (Section 4.6.3.D), and EOF (Section 4.6.3.E zones):

- Correct the headers for duplex-over and duplex-side columns - they were reversed
  - Reduce the open space requirement for townhouses
  - Remove the lot coverage requirement for townhouses
  - Reduce the side setback, end unit; side setback between lot and site boundary; and rear setback between lot and site boundary for townhouses
  - Reduce the side street setback for an accessory structure for townhouses
- For standard method development in the LSC (Section 4.6.3.D) and EOF (Section 4.6.3.E) zones, also do the following:
    - Clarify that the front and side street parking setback must be behind the building line of the building located in the build-to area. This mimics a similar clarification made for C/R standard method in ZTA 15-05.
    - Modify the side street parking setback to indicate that a surface parking lot must be behind the *side street* building line to be consistent with the intent and definition of the build-to area. This mimics a similar clarification made for C/R standard method in ZTA 15-05.
    - Clarify the header for build-to area to indicate that a minimum percentage of the building façade must be located in the build-to area. This mimics a similar clarification made for C/R standard method in ZTA 15-05.
  - Section 4.6.4.B.1.a: For the open space requirements in optional method EOF and LSC, replace “lot” with “tract”. This was an error that was corrected in ZTA 15-05 for the C/R zones as well.

#### Public Benefits

- Section 4.7.1.B.2: Correct the reference to “CR Zone Incentive Density Guidelines” to reference “Commercial/Residential and Employment Zone Incentive Density Guidelines”.
- Section 4.7.3.E.5 Correct the public art language to match the current practice of the Art Review Panel.

#### Industrial Zones

- Section 4.8.3: Add a reference to the table in Section 7.3.4.A.8 that indicates when site plan is required for standard method development so that applicants know they may have to go through site plan in an Industrial zone. Also correct the numbered reference to amenity open space in the development standards table.

#### Overlay Zones

- Section 4.9.8.D.1: Clarify language in the Garrett Park Overlay to be consistent with old code. For buildings on a corner lot, add a reference that the side street setback must be equal to or greater than the front setback of a building on an abutting lot that fronts on the side street.
- Section 4.9.14.D.2.c: In the Takoma Park/East Silver Spring Commercial Revitalization Overlay, remove the reference to the EOF zone since there is no longer any land classified in the EOF zone within this Overlay.
- Section 4.9.15.B.2.c: Clarify, in the table for the TDR Overlay zone, that the minimum usable area of the R-60 optional method MPDU development standards do not apply.
- Section 4.9.18.B.1: Add language from the old zoning code to the Upper Rock Creek Overlay zone to indicate that development not served by community sewer is exempt from the requirements of the overlay zone.

#### *Article 59-5*

- Section 5.1.2.B.3: Correct this floating zone intent statement; it references terms used in an old draft of the new zoning code, and some of the language is redundant.
- Section 5.3.1.B; Section 5.4.1.B; Section 5.5.1.B: Clarify that the mapping increments (0.25 for density and 5' for height) apply to the C/R, Employment, and Industrial Floating zones.

#### *Article 59-6*

- Section 6.2.2.B: Modify the applicability language so it refers to a parking waiver instead of alternative compliance. A parking waiver provision is added via Section 6.2.10 of this ZTA.
- Section 6.2.3.D.1 and Section 6.2.3.E: Clarify the language for calculating the minimum number of car-share and electric vehicle charging spaces required.
- Section 6.2.3.G.1.e: Modify the off-site parking language so it refers to a parking waiver instead of alternative compliance. A parking waiver provision is added via Section 6.2.10 of this ZTA.
- Section 6.2.4: Clarify how the metrics in the parking table work in terms of calculating the baseline minimum (per Hearing Examiner request).
- Section 6.2.5.M: Clarify that the requirements for surface parking in the R-60 and R-90 zones also apply to the side street, not just the front street.

- Section 6.2.10: Add language to allow the deciding body to grant a parking waiver, similar to the old code.
- Section 6.4.3.C.2.a; Section 6.4.3.C.3.c: Remove the provision which prohibits fences and walls above 4 feet tall in the front setback of a Residential zone; fence height would generally be restricted to 6' 6" anywhere on a property. The 4 foot restriction was added by the consultant who produced the original drafts of the new zoning code. After implementation of the new code, DPS realized that many fences above 4 feet currently exist in the front setbacks of many Residential neighborhoods, and residents continue to want to repair these existing fences or request new privacy fences taller than 4' in height. Further, swimming pools, which can be located in the side yard of a corner lot, require 5' fences to comply with pool safety requirements.
- Section 6.8.1: Clarify the language in alternative compliance and remove the reference to Division 6.2, since the parking waiver (included in Section 6.2.10 of this ZTA) now applies to that Division.

#### Article 59-7

- Section 7.3.1.B.2: Add renters to the list of associations under Application Requirements.
- Section 7.3.1.K.2: Modify the conditional use minor amendment to accommodate the 60 day time frame for amending a *Telecommunications Tower* conditional use as required under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a). With the modified language, noticing is required for a *Telecommunications Tower* minor conditional use amendment, but a hearing cannot be requested.
- Section 7.3.2.B.2: Add renters to the list of associations under Application Requirements.
- Section 7.3.3.B.3.e: Add renters to the list of associations under Application Requirements.
- Section 7.3.3.B.3.h.v: Clarify language in sketch plan application requirements.
- Section 7.3.3.C: Clarify that if a sketch and preliminary plan come in together the timeframe to review the application follows the longer time frame (120 days).
- Section 7.3.3.I. Add language to clarify the sketch plan amendment process.
- Section 7.3.4.A: Clarify that site plan approval is required as indicated in the table in Section 7.3.4.A.8 and as specified in the Chapter, and remove the references to specific types of applications that require site plan approval. Also clarify that site plan approval is required for new construction or the expansion of an existing structure, but not for a new use relocating to

an existing building. Finally, when calculating the intensity of a proposed building expansion to determine if site plan approval is required, both the existing structure and the expansion must be included.

- Section 7.3.4.B.2.e: Add renters to the list of associations under Application Requirements.
- Section 7.3.4.B.2.l.i: Add “use” to the list of elements that an applicant must show on a proposed site plan.
- Section 7.3.4.G.2.c: Clarify that only “a structure other than a building” that does not conflict with any finding required for site plan approval is exempt from conformance to an approved site plan. Remove “paved surface” from the list of things that are exempt from conformance to approved site plans as it is now captured under the definition of site element and limited in size.
- Section 7.4.1.C: Clarify that the Planning Director must confirm that a property has all necessary approvals from the Planning Board and Planning Director before a building permit is issued.
- Section 7.5.2.B: Clarify that the pre-submittal meeting must be held within 90 days of filing the application, and remove the requirement that a pre-submittal meeting notice include phone and website info for intake agency. At the time of the pre-submittal meeting, the Planning Department is generally unaware of the details of the application, so including the agency’s contact information on the pre-submittal meeting sign will cause confusion for the public and the Planning Department staff.
- Section 7.5.2.H: Remove language that contradicts, or is redundant with, language in Division 7.2 and Division 7.3. Also clarify that a recommendation report provided by the Planning Director to the Planning Board must be posted on the Planning Board’s website.
- Section 7.6.1.C.5: Add renters to the list of associations under Application Requirements and clarify that pre-submittal meeting attendees only get noticed if they requested to be a party of record.
- Section 7.7.1.A.1: Clarify that a new use can locate in a building or structure deemed conforming under this section.
- Section 7.7.1.B.1: Clarify that the gross tract area of an application in progress prior to October 30, 2014 may not be increased. This prevents applicants from incrementally adding gross floor area to a project by using density transfers.
- Section 7.7.1.B.3: Clarify the use of the words “amended” vs “modified” when referring to applications and plans; an application is modified, while a plan is amended. This terminology is used by the Planning Department, so modifying the language will reduce confusion. Also clarify that any amendment to an application filed under the old code cannot add additional gross floor area with a density transfer recorded after October 30, 2014.

- Section 7.7.1.B.5: Add language to clarify that binding elements associated with a Local Map Amendment approved prior to October 30, 2014 apply until a property is rezoned through a Sectional Map Amendment and a new application is approved.
- Section 7.7.1.C.1: Clarify the amendment vs. modification language as described above.
- Section 7.7.1.C.2: Modify the header to clarify that this Section only applies to properties in Commercial/ Residential, Employment, and Industrial zones. Also clarify that an *application* pending on October 29, 2014 may expand up to the full amount allowed under the property's zoning on October 29, 2014, but once the application is approved, any expansion under the prior zone is limited to the lesser of 10% of the gross floor area or 30,000square feet.
- Section 7.7.1.D.6.a: Add language from the old code that allows lots and parcels in the RE-2, RE-2C, and RE-1 zones to develop under the area and dimensional requirements of a prior zone if a lot was approved on or before the date of the most recent Sectional Map Amendment.
- Section 7.7.1.D.7: Add language from the old code that allows a lot or parcel in the Rural zone to develop under the area and dimensional standards of a prior zone if the lot was created by June 1974, or if lots under 5 acres were created by replatting 2 or more lots.
- Section 7.7.1.D.8: Add language from the old code that allows a lot or parcel in the RC zone to develop under the area and dimensional standards of a prior zone if the lot was created before the approval of the most recent Sectional or Local Map Amendment, or if lots under 5 acres were created by replatting 2 or more lots.
- Add language from the old zoning ordinance that, under certain circumstances, would exempt lots or parcels in the AR, Rural, RC, RE-2, RE-2C, and RE-1 zones from the area and dimensional requirements of the current zone. The exemption generally applies to lots and parcels created by deed before the approval of the most recent Sectional Map Amendment that included the subject property.

*Article 59-8*

- Section 8.1.1: Clarify that the zones nominally retained from the previous ordinance (RT, R-H, PD, T-S, PNZ, and PRC) must be rezoned during the master plan process.
- Section 8.2.4; Section 8.2.5; Section 8.3.2; Section 8.3.5; Section 8.3.6: For consistency with the old zoning ordinance, replace the "open space" requirement in the RT, RH, PD, PRC, PCC zones with a "green area" requirement.



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 18, 2015

The Honorable George Leventhal  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: Planning Board Recommendation to County Council for Introduction of  
Zoning Text Amendment to revise the Zoning Ordinance for  
Modifications, Corrections and Clarifications.

Dear President Leventhal:

On May 14, 2015, by a vote of 5-0 the Board recommended transmitting the attached omnibus Zoning Text Amendment (ZTA) to the County Council for introduction. The ZTA includes clarifications and corrections based on implementation of the new zoning ordinance by the Planning Department, the Department of Permitting Services (DPS), the Office of Zoning and Administrative Hearings (OZAH), and other stakeholders.

Background

The new zoning ordinance was adopted on March 5, 2014, and became effective on October 30, 2014. ZTA No. 14-09, which addressed initial corrections and clarifications to the zoning ordinance, was adopted on September 30, 2014, and also became effective on October 30, 2014. Since its effective date, widespread use of the new zoning ordinance has revealed text in need of clarification or correction, as well as a few substantive concerns. While a majority of the proposed revisions are minor in nature, some notable modifications to the code are also proposed.

Proposed ZTA

The substantive issues addressed in this ZTA include:

- Revision of the definition of right-of-way and building height.
- Limiting the application of the general conditional use standards for an accessory apartment.

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The Honorable George Leventhal  
May 18, 2015  
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- Modification of 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.
- Modifications to the process for amending a site plan.
- Amendment of the noticing standards for projects approved by the Planning Board (sketch plan, site plan, and major site plan amendments).
- Clarification of the provision for expansions above the amount “grandfathered” under a prior zone (typically the lesser of 10% or 30,000 square feet).

In addition to the more substantive changes, this ZTA proposes revisions to correct editorial errors characterized as unintentional changes from the prior zoning code. The ZTA also clarifies provisions that have been noted as confusing or unclear. The more “Substantive Changes” and the revisions to correct editorial errors are summarized in the attached technical staff report.

The Planning Board and its staff will be available to assist the Council in the review of the proposed zoning code revisions.

Sincerely,



Casey Anderson  
Chair

CA:gr

Attachments:

Technical Staff Report including proposed ZTA

cc: Planning Board Commissioners  
Rose Krasnow  
Gwen Wright



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

The Maryland-National Capital Park and Planning Commission

July 13, 2015

**TO:** The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

**FROM:** Montgomery County Planning Board

**SUBJECT:** Zoning Text Amendment No. 15-09

**BOARD RECOMMENDATION**

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment (ZTA) No. 15-09 at our regular meeting on July 9, 2015. By a vote of 3:0, the Planning Board recommends approval of the text amendment as modified by Planning Staff and depicted in the ZTA separate from the technical staff report. The technical staff report clarifies language, corrects errors, generally amends language in the new zoning ordinance for consistency with recently approved ZTAs, and addresses feedback received since the introduction of ZTA 15-09. The additional modifications made to the ZTA by the Board were minor clarifications to the text.

Since the effective date of the new zoning code, widespread use of the ordinance has revealed text in need of clarification or correction, as well as a few substantive concerns. To address the need for changes to the new zoning ordinance, the Planning Board transmitted a proposed ZTA to the County Council on May 15, 2015. Since the introduction of ZTA 15-09, Planning Staff has received feedback on the language, as well as comments on other issues that have emerged with the implementation of the new zoning code. Modifications to ZTA 15-09 proposed by Planning Staff and approved by the Board are summarized in the technical staff report, with the exception of plain language edits, the correction of grammatical and spelling errors, and a few minor clarifications recommended by the Planning Board.

During its review, the Board discussed a proposal by Martin Grossman, the Director of the Office of Zoning and Administrative Hearings (OZAH). Mr. Grossman suggested eliminating the accessory apartment conditional use process. In his proposal, where an accessory apartment is allowed as a limited use, any challenge to an accessory apartment

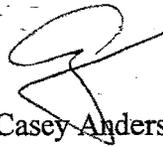
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license rejection by the Department of Housing and Community Affairs (DHCA) based on a lack of onsite parking or proximity to other accessory apartments would be the subject of the existing objection process by which accessory apartment license applicants (or opponents) challenge a finding of the DHCA Director. Objections on these grounds would still be handled by OZAH (as with other DHCA objection cases), but it would be DHCA that would supply the knowledge and expertise about adequate or inadequate on-street parking and the proximity of other accessory apartments. The Hearing Examiner would still assess the impact on the community from the DHCA information and the testimony of the applicant and any opposition. Furthermore, Mr. Grossman recommends that where an accessory apartment is allowed only as a conditional use, it be allowed as a limited/conditional use so that the proposed review process described above applies in all zones.

The Planning Board supports Mr. Grossman's proposal with respect to modifying the limited use review process for accessory apartments; however, because this change directly affects DHCA, requiring them to assume the review and recommendation responsibility of all accessory apartments that cannot meet the parking or spacing requirements, the Board suggests this change be made after consultation and agreement by DHCA. Planning Staff will brief DHCA Staff on ZTA 15-09 prior to the PHED committee worksession.

#### CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National-Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, July 9, 2015.

  
Casey Anderson  
Chair

CA:pd